

Crl.A.(MD)No.711 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM :

THE HONOURABLE **DR. JUSTICE R.N.MANJULA**

Crl.A.(MD)No.711 of 2025

S.Krishnan

... Appellant/Petitioner

versus

1.State rep., by
The Deputy Superintendent of Police,
Nagercoil Sub-Division,
Kanyakumari District.

... 1st Respondent/Investigation
Officer

2.The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.

... 2nd Respondent/Complainant

3.S.Sankar

4.Amutha

5.Krishnammal

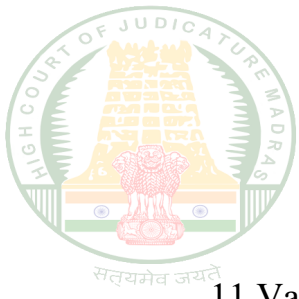
6.Rethinam

7.Sathiyabama

8.Shanthi

9.Devaki

10.Ambika



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11.Vasanthi

12.Kasthuri

13.Sivagowri

14.Parvathi

15.Rajam

16.Balakrishnan

17.Vanitha

18.Ganeshan

19.Bagavathi Ammal,

20.Mani

21.Kannan

22.Nagarajan

23.Bagavathiammal

24.Krishnan

25.Hemalatha,

26.Senthilkumar

27.Jeyabharathi

28.Rani

... 3 to 28 Respondents/Respondents

Prayer : Criminal Appeal filed under Section 14-A of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to call for the entire



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records relating to the order passed by the Sessions Judge, Special Court for SC/ST (PCR) Act Cases, Kanyakumari District at Nagercoil dated 28.03.2025 in Crl.M.P.No.3 of 2025 by dismissing the petition filed under Section 156(3) of the Code of Criminal Procedure and set aside the same by allowing the present criminal appeal and directing the second respondent to register case upon the complaint given by the appellant and investigate the case in accordance with law.

For Appellant : Mr.S.Ramasamy

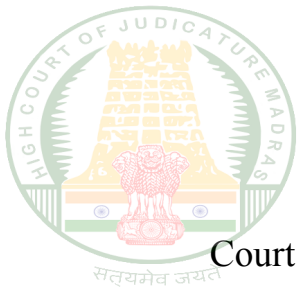
For R1 : Mr.K.Gnanasekaran
Government Advocate (Crl.side)

JUDGMENT

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This appeal has been filed challenging the order passed by the learned Sessions Judge, Special Court for SC/ST (PCR) Act Cases, Kanyakumari District at Nagercoil, dated 28.03.2025, in Crl.M.P.No.3 of 2025, which has been filed by the appellant/complainant under Section 156(3) of the Code of Criminal Procedure, seeking direction to register a case.

2. It is learned from the impugned order that the complaint of the appellant has been taken up and FIR has been registered by the Inspector of Police, Vadaseri Police Station, in Crime No.232 of 2024 and a closure report has also been filed as 'Mistake of Fact', on 23.10.2024. In-fact, the



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Court itself had recorded the sworn statement of the appellant on 22.03.2024. As the Court required further investigation to be done, a direction was given to the Deputy Superintendent of Police to conduct an enquiry under Section 202 Cr.P.C., and file a report, for which, the accused have also filed an objection.

3. When the matter was adjourned 'for orders', the Deputy Superintendent of Police, Nagercoil, has filed a report under Section 202 of Cr.P.C, but no documents have been attached in the said report on 23.04.2024. The defacto complainant had filed another petition to advance the hearing by alleging that the report obtained by him from the Deputy Superintendent of Police under RTI Act disclosed a different report under 202 Cr.P.C., and there is contradiction.

4. In view of the High Court's circular, earlier petition filed before the learned Sessions Judge, PCR Court, Tirunelveli, got transferred to the learned Sessions Judge, PCR Court, Nagercoil. As the Deputy Superintendent of Police, who had filed the closure report did not contain the statements recorded under 202 of Cr.P.C., as per the order of the Court, the learned Sessions Judge, PCR Court, Nagercoil, itself had taken up enquiry. In-fact, a direction has been issued by the High Court in



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Crl.O.P(MD).No.1036 of 2025 to the Deputy Superintendent of Police, Nagercoil, to expedite the enquiry and file a report. In the meanwhile, it was informed to the Court that FIR has been registered in Crime No.232 of 2024 and the said case has got nothing to do with the petition in Cr.M.P.No. 3 of 2025, which has been transferred to the Sessions Judge, PCR Court , Nagercoil.

5. Even while the above petition was pending before the Sessions Judge, PCR Court, Tirunelveli itself, the accused 1 to 26 made their appearance and sought time to file their objection. As the matter has been transferred to the Sessions Judge, PCR Court, Nagercoil, the proceedings continued from there and opportunity was given to the accused to submit their objection and both side arguments have also been heard.

6. On the side of the complainant, who is the present petitioner herein, a point was raised that during 202 Cr.P.C enquiry that no opportunity should be given to the accused to make their objection. Hence, the Court has recorded a finding based on the earlier Supreme Court direction that the objection or arguments made by the respondents therein need not be considered.



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7. The learned Sessions Judge, PCR Court, Nagercoil, had taken into consideration of the statements recorded by him during 202 Cr.P.C enquiry.

So, the ground now made by the learned counsel for the appellant that opportunity has been given to the respondents is against the settled position of law with regard to the enquiry under Section 202 Cr.P.C., and hence it does not hold good.

8. The learned counsel for the appellant further submitted that RCS notice has not been served upon him for the closure report filed by the Deputy Superintendent of Police. In fact, the Court has not taken into consideration of the closure report as it did not had the required documents in respect of 202 Cr.P.C enquiry. Hence, the Court itself has conducted 202 Cr.P.C enquiry by summoning the accused and after hearing the submissions of the accused, the Court has passed the order. There is no question of giving RCS notice.

9. As the learned trial Judge has rightly taken up 202 Cr.P.C enquiry and the earlier direction given to the Deputy Superintendent of Police has not been properly complied, I do not find any procedural violation.



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10. In the result, this criminal appeal is dismissed.

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Index : Yes/No

NCC : Yes/No.

Rmk

To

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Special Court for SC/ST (PCR) Act Cases,
Kanyakumari District at Nagercoil.
- 2.The Deputy Superintendent of Police,
Nagercoil Sub-Division,
Kanyakumari District.
- 3.The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.R.N.MANJULA, J.,

Rmk

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