

Crl.O.P.(MD)No.10994 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10994 of 2025
and
Crl.M.P.(MD)Nos.8241 & 8243 of 2025

1.Arulraj

2.Raja

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Nilakottai, Dindigul District.

2.The Inspector of Police,
Pattiveeranpatti Police Station,
Pattiveeranpatti,
Dindigul District.
(In Crime No.262 of 2022)

3.R.Ranjith Kumar

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the case registered in impugned charge sheet in Spl.S.C.No.15 of 2023 on the file of the learned Special Court for Exclusive Trial of SC/ST Cases, Dindigul in Crime No.262 of 2022 on the file of the first respondent Police and quash the same as illegal.



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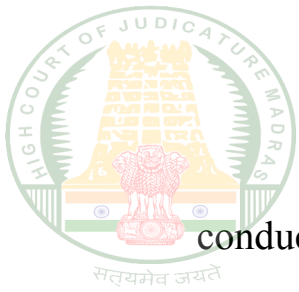
For Petitioners : Mr.J.Lawrance

For R1 & R2 : Mr.A.S.Abul Kalaam Azad,
Government Advocate(Crl.side)

ORDER

The petitioners, who are A1 & A2 in Spl.S.C.No.15 of 2023 on the file of the Special Court for Exclusive Trial of SC/ST Cases, Dindigul, have filed this petition to quash the said proceedings.

2.The learned counsel appearing for the petitioners submits that the third respondent is the aggressor and he assaulted the first petitioner and he suffered head injury and admitted in the hospital and a case in Cr.No. 261 of 2022 has been registered as against the third respondent. However, a counter complaint has been given by the third respondent as against the petitioners and final report has also been filed and the same is pending in Spl.S.C.No.15 of 2023 on the file of the Special Court for Exclusive Trial of SC/ST Cases, Dindigul. The contention of the learned counsel for the petitioners is that the respondent Police has not



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conducted the investigation in accordance with the guidelines issued by the Hon'ble Full Bench of this Court in Crl.O.P.Nos.4587 of 2023 and etc batch dated 08.08.2024, in dealing with the cases, which are registered as case and case in counter. According to the learned counsel for the petitioners, the final report has been filed in a mechanical manner by colluding with the third respondent. Further, he submits that the first petitioner has suffered severe injury at the hands of the third respondent, however, suppressing the nature of the injury suffered by the first petitioner, a case has been registered as against the petitioners.

3.The learned Government Advocate(Crl.side) appearing for the third respondent submits that the third respondent has also suffered grievous injuries at the hands of the petitioners. Apart from the third respondent, yet another person has also sustained simple injuries and based on the complaint of the third respondent, a case in Cr.No.262 of 2022 came to be registered. The victim in this case belongs to Schedule Caste and the accused belongs to backward community and there is an intention based on the community also and hence, they have registered the case for the offences punishable under the provisions of SC/ST Act and final report has also been filed. Further, he submits that the first



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petitioner's complaint has also been enquired and final report has been filed as against the third respondent before the learned Judicial Magistrate, Nilakottai in PRC.No.3 of 2025. Since the victims in both cases have suffered grievous injuries, the respondent Police treated both of them as aggressors and filed the final report as against both the parties. Therefore, according to the learned Government Advocate(Crl.side), there is no violation of guidelines issued by the Hon'ble Full Bench of in Crl.O.P.Nos.4587 of 2023 and etc batch dated 08.08.2024.

4.This Court has considered the submissions made on either side and perused the available records.

5.The main contention of the petitioners is that cases in Cr.Nos.261 & 262 of 2022 were registered for the very same incident as case and case in counter. However, investigation has not been conducted as per the guidelines issued by the Hon'ble Full Bench of this Court and that the respondent Police registered the case as against the third respondent, without verifying the nature of the injuries suffered by the first petitioner, in the course of incident and the witnesses in the present case



have not stated about the injuries suffered by the third respondent and therefore, the impugned charge sheet is liable to be quashed.

6.It appears that for the very same incident, on the complaint of the both parties, case and case in counter came to be registered. Since both the parties are aggressors, final report came to be filed as against both of them. Since the case in Cr.No.262 of 2022 is registered under the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, as per Rule 7(1) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, necessarily it has to be investigated by an Officer not below the rank of Deputy Superintendent of Police. Therefore, it cannot be treated as violation of the guidelines issued by the Hon'ble Full Bench of in Crl.O.P.Nos.4587 of 2023 and etc batch dated 08.08.2024. In the event, the third respondent and other witnesses have suppressed the nature of injuries suffered by the first petitioner, the same can be take advantage during the course of trial and the same cannot be a ground to quash the impugned charge sheet. It also appears that apart from the third respondent, yet another person has also suffered injuries. Therefore, this Court is not inclined to entertain this petition on the grounds raised by the petitioners in this petition.



WEB COPY 7. The learned counsel for the petitioners relied upon the judgment of the Hon'ble Full Bench of in Crl.O.P.Nos.4587 of 2023 and etc batch dated 08.08.2024. The relevant paragraph is extracted hereunder:-

“59. In the light of the above discussion, the following are our answers to the questions referred to us vide order dated 21.03.2024:

a. The police are required to mandatorily follow the procedure prescribed in PSO 566 while investigating a case and case in counter ie., rival versions of the same incident.

b. The consequences of non-compliance with PSO 566 would depend upon the stage at which such an objection is raised. It is the duty of the Magistrate to screen out final reports which are filed in inconsistent rival versions of the same incident ie., where one rival version is true the other must be necessarily false, by returning with a direction to follow PSO 566. Where the Magistrate inadvertently takes cognizance, the error may be set right by the High Court under Section 528 BNSS, 2023 if the same is raised at an early stage. If, however, the trial in such cases is allowed to go on and has reached an advanced stage, a plea of non-compliance with the



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PSO will not ipso facto vitiate trial unless and until a demonstrable case of prejudice or miscarriage is made out.

c. The police will take note of and scrupulously follow the guidelines set out in paragraph 58-A, supra.

d. Trial of a case and counter case shall be held simultaneously before the same Court and the guidelines set out in paragraph 58-B supra, shall be followed.”

8.Further the Hon'ble Full Bench has laid down a guideline in para 58(b) of the Judgment with regard to the post cognizance and trial in a case and case in counter and the same reads as under:

“58. (b) Post Cognizance and Trial in a case and case in counter:

*i. If the Magistrate finds that the two final reports are rival versions of the same incident, but both parties are found to have engaged in acts of aggression etc., he may take cognizance of both final reports. In such cases, the Magistrate shall follow the procedure prescribed in **Ekambaram v. Sundaramurthy and State**, 1988 LW (Cri) 127, which we have extracted in paragraph 56, supra.*

ii. If one case is exclusively triable by a Court of Sessions and the other case is triable by a Magistrate, the Magistrate shall commit both the case and counter case to



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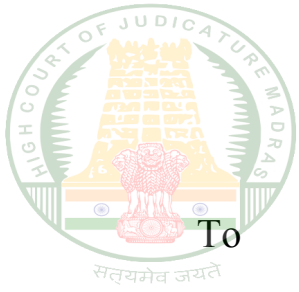
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the Court of Session for trial as prescribed by Section 362 BNSS 2023 (Section 323 Cr.P.C.), who shall thereafter proceed in accordance with the directions contained in paragraph 56 supra.

9. Based on the complaints of the first petitioner and the third respondent, case and case in counter came to be registered and final reports have also been filed as against both of them. The case in PRC.No.3 of 2025 is pending on the file of the learned Judicial Magistrate, Nilakottai for the offence under Section 307 IPC. Therefore, the learned Judicial Magistrate, Nilakottai is directed to commit the case in PRC.No.3 of 2025 to the Special Court for Exclusive Trial of SC/ST Cases, Dindigul. The Special Court for Exclusive Trial of SC/ST Cases, Dindigul shall conduct the trial separately and find out who is the real aggressor and take further course of action. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

30.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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To

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- 1.The Special Court for Exclusive Trial of SC/ST Cases,
Dindigul.
- 2.The Judicial Magistrate, Nilakkottai.
- 3.The Deputy Superintendent of Police,
Nilakottai, Dindigul District.
- 3.The Inspector of Police,
Pattiveeranpatti Police Station,
Pattiveeranpatti,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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