

CrI.A.(MD)No.821 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **01.08.2025**

CORAM :

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

CrI.A.(MD)No.821 of 2025

Pothuraja

... Appellant/Defacto
Complainant

Versus

1. Chandrakala
W/o. Ponnudurai,
Chairman of Town Panchayat,
Mukkattan Nadar 1st Street,
Madurai Main Road,
Aundipatty Taluk,
Theni District.

2. Suriyakumar,
S/o. Dhanasekaran,
Sanitary Inspector of Town Panchayat,
Aundipatty Town Panchayat,
Aundipatty Taluk,
Theni District.

3. Saravanakumari,
W/o. Chandrasekar,
Aundipatty Town Panchayat,
Aundipatty Taluk,
Theni District.

... Respondents 1 to 3
/ Respondents 1 to 3

4. The Deputy Superintendent Of Police,
Aundipatty Sub Division,
Theni District.
Crime No. 268/2024.

... Respondent No.4
/Complainant



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PRAYER : Criminal Appeal filed under Section 14A of SC/ST Amendment Act, 2015, to call for the records relating to the judgment dated 29.04.2025 passed in Crl.M.P.No.962 of 2024 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, And Set aside the same as illegal and allow the above said criminal appeal.

For Appellant : Mr.R.Karunanidhi

For Respondents : Mr.K.Gnanasekaran (R4)

Government Advocate (Crl.side)

JUDGMENT

This criminal appeal has been preferred by the defacto complainant as against the judgment dated 29.04.2025 passed in Crl.M.P.No.962 of 2024 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, thereby admitting the referred charge sheet as mistake of fact in Referred Charge Sheet No.6 of 2025.

2. The appellant, who is the defacto complainant has given a complaint before the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Theni, making certain allegations against the respondents 1 to 3 herein. Pursuant to the said complaint, an FIR has been registered in Crime No.268 of 2024 on the file of Andipatti Police Station, Theni District against the respondents 1 to 3 herein. The



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investigating authority has conducted an investigation and filed a final report by filing referred charge sheet. The defacto complainant / appellant filed his protest petition with a prayer not to accept the said final report. The learned Sessions Judge, Theni, has taken up the protest petition for consideration and after hearing both sides, has admitted the referred charge sheet as mistake of fact in Referred Charge Sheet No.6 of 2025. Aggrieved over the same, this appeal has been filed.

3. The learned counsel appearing for the appellant submitted that the respondent police has not enquired the relevant witnesses, especially, the witnesses who have been referred in the complaint given by the appellant. He further submitted that the learned Sessions Judge has not dealt with the objections made by the appellant in his protest petition, but has chosen to simply allow the final report.

4. Heard the learned counsel on either side and perused the materials placed before this Court.

5. The allegation made by the defacto complainant / appellant in the complaint in brief is that he claimed himself as the President and one Pandidurai as the Secretary of Dr.APJ Abdul Kalam Special self help group



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and they had been engaging in doing sanitary work of Andipatti Panchayat, along with 35 members for the year 2022-23, pursuant to the agreement / contract dated 05.03.2022 entered into between the Dr.APJ Abdul Kalam Special self help group and Andipatti Panchayat. The defacto complainant / appellant and the said Pandidurai were also working in the said project.

5.1. On 15.09.2023, at about 11.30 am., the defacto complainant / appellant, Pandidurai and others were asked to meet the Panchayat Union President, Chandrakala. When they went to her office, she was there along with the Sanitary Inspector, Suryakumar, and Maysthry, Ms. Saravanakumari. The Panchayat President told the defacto complainant / appellant and others that the persons who had entered into the contract to do the same work for the period from 2019 to 2021, were in the habit of giving her Rs.20,000/- per month and therefore, the defacto complainant / appellant and others were also asked to give the same amount.

5.2. When they refused to give the said amount, the respondents 1 to 3 herein threatened them that the agreement / contract would be cancelled and they would not allow them to work. The President of Panchayat, Chandrakala had also abused the defacto complainant with caste name by indignifying him and prevented them from doing their work. Even when



they came to work, they were threatened that they will be removed from work. Hence, the complaint.

6. On perusal of the protest petition filed by the defacto complainant / appellant, it is seen that he has reproduced the contents of the complaint and he has not stated that the investigating officer has omitted any other materials relevant to this case. What was stated in the protest petition is that the report has been filed without proper enquiry.

7. Further, on perusal of the final report, it is seen that the investigating officer has examined nearly 51 witnesses by taking into consideration the seriousness of the allegations made. The list of witnesses is inclusive of the persons, who are said to have accompanied the defacto complainant on the alleged date when he met the Panchayat President, who is the first respondent herein.

8. It is also seen from the final report that the defacto complainant / appellant and the said Pandidurai declared themselves as President and Secretary of Dr.APJ Abdul Kalam Special self help group without consent of its members. It is further revealed that the defacto complainant / appellant, after signing the attendance register, would not do any work. He



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himself and the Secretary, Pandidurai would collect Rs.100/- per month from 36 members, which has been the practice for several years.

9. As the members in the group has objected the above act, the Panchayat authorities had insisted that the defacto complainant / appellant should repay the said amount and from then onwards, they did not report for duty and all of a sudden, they came on 15.09.2023 and requested the Panchayat President to engage them in the work. As they were insisted to pay the illegally collected amount from the members, they had foisted a false complaint against the officials.

10. The complaint given by the defacto complainant / appellant ought to have been supported by the members of Dr.APJ Abdul Kalam Special self help group in order to prove the veracity of the allegations. Without any materials available in favour of the defacto complainant / appellant, it is not fair on the part of the defacto complainant / appellant to expect the fourth respondent to file a positive charge sheet against the respondents.

11. Infact, on the alleged date and time of the occurrence, the Panchayat President and others are seen to have gone to some other place due to some work. The investigating officer has given a clear report that the



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Sanitary Inspector and Meisthry, who are the second and third respondents herein respectively, were not present in the office on the alleged date of the occurrence. As it is revealed from the statement of other witnesses during the investigation of the fourth respondent that the complaint given by the defacto complainant / appellant is a motivated one, the fourth respondent had chosen to drop further action by citing mistake of fact.

12. The learned Sessions Judge has made a detailed analysis on the report filed by the fourth respondent and satisfied that the report is acceptable and the protest petition filed by the defacto complainant / appellant did not bring out any new facts or materials in order to arrive at a different finding than the reasons stated in the charge sheet for referring the same. As the order has been passed on merits, after a thorough analysis of documents and the report of the fourth respondent along with the protest petition filed by the defacto complainant / appellant, I do not find any reason for interference with the judgment dated 29.04.2025 passed in Crl.M.P.No.962 of 2024 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni. It is reiterated that in the protest petition, the defacto complainant / appellant has reinstated only the contents of the complaint and has not given any new materials or facts.



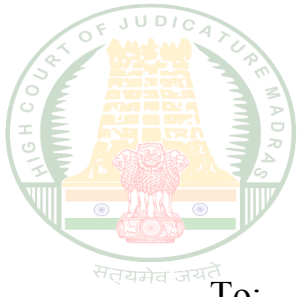
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13. In view of the above observations, this criminal appeal is
rejected.

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Index : Yes/No
NCC : Yes/No.
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To:-
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Crime No. 268/2024.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.VR Section.
Madurai Bench of Madras High Court,
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DR.R.N.MANJULA, J.,

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