



Crl.O.P.(MD)No.14974 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.14974 of 2025

A.Rajapandi

... Petitioner

Vs.

1.State of Tamil Nadu Rep. by,
The Deputy Superintendent of Police,
Usilampatti Sub Division,
Madurai District.

2.State of Tamil Nadu Rep. by,
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the order in Cr.M.P.No.2734 of 2024 dated 04.02.2025 on the file of the Learned III Additional District Court (PCR), Madurai, set aside the same and allow the Criminal Original Petition.

(Prayer amended vide Court order dated 14.11.2025 made in Crl.M.P.(MD).No.17150 of 2025 in Crl.O.P.(MD).No.14974 of 2025)

For Petitioner : Mr.A.Vadivel

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



Crl.O.P.(MD)No.14974 of 2025

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ORDER

This Criminal Original Petition is filed to set aside the impugned order passed by the learned III Additional District Judge, (PCR), Madurai in Cr.M.P.No.2734 of 2024 dated 04.02.2025.

2. It is the case of the petitioner that he had lodged a complaint against certain accused persons alleging the commission of the offences under Section 3(1)(f), 3(1)(r), 3(1)(s) read with 4(1) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015. It appears that the respondent Police have not taken any action and hence, the petitioner had approached the Special Court under Section 156(3) of Cr.P.C. The learned III Additional District Judge, vide impugned order dated 04.02.2025, had directed the Deputy Superintendent of Police, Peraiyur to file a report. The Deputy Superintendent of Police, after conducting enquiry, had filed a report dated 24.03.2025, stating the allegation of the petitioner is false and that there is no material to register an FIR as against the accused persons.

3. The learned counsel for the petitioner would submit that the procedure adopted by the Special Court is contrary to Section 18A(1)(a) of the SC/ST



Crl.O.P.(MD)No.14974 of 2025

(Prevention of Atrocities) Act and also the judgment of this Court in the case of

Muniraj Vs. State and others reported in **2025 (2) MWN (Cr.) 631**.

4. The learned Additional Public Prosecutor, per contra, submitted that the allegations of the petitioner would only suggest that there is a land dispute; that there is no sufficient ground to register an FIR, as could be seen from the preliminary enquiry conducted by the respondents; and that therefore, the instant petition is liable to be dismissed.

5. It appears that the respondents on the directions of the learned Judge had conducted a preliminary enquiry and found that the complaint of the petitioner is false. This Court is not called upon to assess the correctness or otherwise of the report filed by the respondents. The only question involved in this petition is that whether the learned Judge ought to have directed registration of the FIR or could have permitted a preliminary enquiry by the respondents. The provision of law is very clear. Section 18A(1)(a) of the SC/ST (POA) Act provides that no preliminary enquiry shall be required for registration of a First Information Report as against any person under the Act. Since a preliminary enquiry is barred, the learned Judge ought not to have directed a preliminary enquiry. The learned Judge ought to have either



Crl.O.P.(MD)No.14974 of 2025

dismissed the petition or directed registration of FIR. Since the procedure adopted is contrary to the statutory provision and the dictum of this Court in the case of *Muniraj Vs. State and others* (cited supra), the respondents shall register an FIR and conclude the investigation within a period of 60 days from the date of receipt of a copy of this order and file a final report in accordance with law. As stated above, this Court has not expressed any opinion on the merits of the claim or the complaint made by the petitioner. It is open to the respondents to take appropriate action after the registration of FIR.

6. With the above observations, this Criminal Original Petition stands disposed of.

14.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To
1.The III Additional District Court (PCR),
Madurai.

2.The Deputy Superintendent of Police,
Usilampatti Sub Division,
Madurai District.



Crl.O.P.(MD)No.14974 of 2025

3.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.14974 of 2025

SUNDER MOHAN, J.

Lm

Crl.O.P(MD).No.14974 of 2025

14.11.2025