



CRL RC(MD)No.1090 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1090 of 2025

P.Nagaraj

... Revision Petitioner / Petitioner
Vs.

1.Manimaran,
The Inspector of Police,
Town Police Station,
Palani, Dindigul District.

2.K.Sabari

3.Manickavasagan

4.Manikandan

5.Vadivel

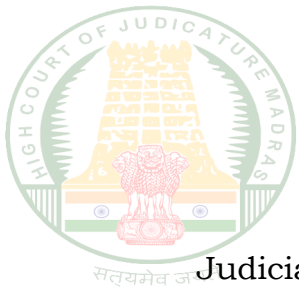
... Respondents 1 to 5 /
Accused persons

6.State of Tamilnadu,
Rep. by,
The Deputy Superintendent of
Police,
Palani, Dindigul District.

7.The Superintendent of Police,
Dindigul District,
Dindigul.

... Respondents 6 and 7 /
Respondents 6 and 7

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the impugned order in Cr.M.P.No.1464 of 2024 dated 11.07.2025 passed by the learned



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Judicial Magistrate, Palani, and set aside the same.

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For Petitioner : M/s.P.S.Kayal Vizhi

For R-6 & R-7 : Mr.S.Ravi,
Additional Public Prosecutor

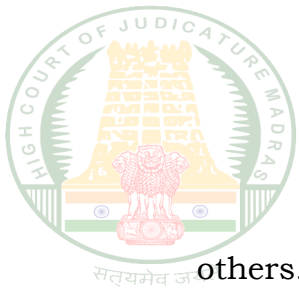
ORDER

Mr.S.Ravi, learned Additional Public Prosecutor, takes notice for the respondents 6 and 7.

2. Since no adverse order passed as against the respondents 1 to 5, notice to the respondents 1 to 5 is dispensed with.

3. Challenging the order passed by the learned Judicial Magistrate in Cr.M.P.No.1464 of 2024 dated 11.07.2025, this Criminal Revision case is filed.

4. The petitioner made an application before the learned Judicial Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973, on 05.03.2024, seeking to direct the 6th respondent police to register a First Information Report against one Manimaran and four

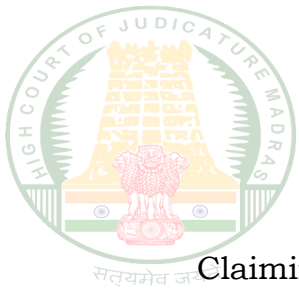


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others.
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5. The case of the petitioner is that, he belong to a Scheduled Caste community. That apart, the petitioner is an office bearer of a prominent political party, and he is also holding significant post in a caste based organization. On 19.02.2024 at about 10 A.M, along with his friends and brothers, he had visited the 1st respondent police station with respect to an enquiry pertaining to a complaint lodged by one Sabari, who is the proposed accused. However, the claim of the petitioner is that the 1st respondent police had abused him orally and had also threatened him that he would be remanded, and he was called names mentioning his caste. In this regard, the petitioner had made a complaint before the Superintendent of Police, Dindigul, since no action was taken, the petitioner had filed a petition under section 156(3) of the Code of Criminal Procedure, 1973.

6. The learned Judicial Magistrate had required a report in this regard from the 6th respondent, who is the Deputy Superintendent of Police, Dindigul District, on 14.03.2024, and the said report was received from the Deputy Superintendent of Police, Palani, on 23.03.2024. On the basis of the said report, the learned Judicial Magistrate had proceeded to dismiss the petitioner's complaint.



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Claiming the same as illegal, the petitioner had filed this Criminal Revision case.

Submissions:

7. The learned counsel for the petitioner, relying upon the order passed by this Court in Crl.O.P.(MD)No.21081 of 2023, dated 28.11.2024, categorically contended that the learned Judicial Magistrate cannot order the police to conduct a preliminary enquiry and submit a report. Such directions, if at all given by the learned Judicial Magistrate, is not within the scope of section 156(3) of the Code of Criminal Procedure, 1973. If the learned learned Judicial Magistrate finds that no cognizable offence is made out based on the allegations made in the FIR and the materials that are relied upon, it is always left open to the learned Judicial Magistrate to close the application and even after that the aggrieved person is entitled to file a private complaint and work out his remedy.

8. However, in the instant case, without following the mandate of the aforesaid order of this Court, the learned Judicial Magistrate had proceeded to require a report from the Deputy Superintendent of Police, Palani, and had proceeded to dismiss the petitioner's application by placing full reliance upon the biased police report filed before the



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learned Judicial Magistrate and on that basis, pressed for allowing the Criminal Revision case.

9. Per contra, the learned Additional Public Prosecutor Mr.S.Ravi drew my attention to the complaint made by the petitioner before the learned Trial Court in which he has sought for directing the first respondent police to register a First Information Report as against the proposed accused persons for the offences under Sections 120(B), 294(b), 147, 506 of IPC, 1860, and Section 3(ix) and 4 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (herein after referred to Act, 1989). Pointing out the said paragraph of the petitioner's application, the learned Additional Public Prosecutor categorically contended that the application to register a First Information Report for the offences under the Act, 1989, ought to have been made before the Jurisdictional Special Court and the learned Judicial Magistrate does not have any jurisdiction to deal with the same. Having failed to file the said application before the appropriate Court of law, the petitioner has no *locus standi* to prefer a Criminal Revision case, and on that basis, pressed for dismissal of the Criminal Revision case.

10. Heard the learned counsel for the petitioner, the learned



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Additional Public Prosecutor and carefully perused the materials available on record.

11. It is needless to state that no doubt the petitioner has approached the learned Judicial Magistrate seeking to direct the 6th respondent police to register an FIR as against the proposed respondent for the offenses under Act, 1989. Certainly, the learned Judicial Magistrate do not have jurisdiction to deal with the same. Even then, in terms of the Act, 1989, the learned Judicial Magistrate had required the jurisdictional DSP to file a report, and on the basis of which he had dismissed the same. However, this Court is of the considered view that the petitioner ought to have approached the appropriate Special Court.

12. In view of the same, giving liberty to the petitioner to approach the Jurisdictional Special Court dealing with the offenses against Act, 1989, this Criminal Revision case is dismissed. No costs.

19.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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To

- 1.The Judicial Magistrate, Palani.
- 2.The State of Tamilnadu,
Rep. by,
The Deputy Superintendent of
Police,
Palani, Dindigul District.
- 3.The Superintendent of Police,
Dindigul District,
Dindigul.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High
Court, Madurai.



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L.VICTORIA GOWRI, J.,

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