



Crl.O.P(MD)No.22810 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.22810 of 2025

Sangeetha

... Petitioner

Vs.

1.The Director General of Police,
Chennai.

2.The Inspector General of Police,
South Zone,
Madurai.

3.The Superintendent of Police,
Thoothukudi District.

4. M.Sudheer

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 2nd respondent to consider and dispose of the petitioner's compliant dated 27.09.2025 as per law.

For Petitioner : Mr.R.Anand

For R1-R3 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)



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ORDER

This is an interesting case where the accused in Crime No.357 of 2025 on the file of the SIPCOT Police Station, Thoothukudi against whom a case under SC/ST (Prevention of Atrocities) Act, 1989 came to be registered.

2. The claim of the petitioner herein is that she suffered stalking at the hands of one Thenmalaithenkumaran continuously, for which she had given a complaint and four F.I.Rs including Crime No.165 of 2025 came to be registered as against that said person by the SIPCOT Police Station. To counterblast the same, Crime No.357 of 2025 came to be registered as against the petitioner. The 4th respondent had created certain statements under Section 161(3) Cr.P.C as against the petitioner herein to implicate her for the offenses under SC/ST (Prevention of Atrocities) Act, 1989. Thereafter, the petitioner had raised serious objection for the nature in which the enquiry was conducted by the 4th respondent and the Superintendent of Police, Thoothukudi had transferred the investigation to some other Deputy Superintendent of



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Police, which had entered in closure of the Crime No.357 of 2025 as against the petitioner. After that said closure, the petitioner had given a complaint on 27.09.2025 to direct the 2nd respondent to consider and dispose of the petitioner's complaint as against the 4th respondent. However, the same is not considered and hence, this criminal original petition is filed.

3. The learned counsel for the petitioner Mr.R.Anand categorically contended that only because the complaint is as against a police officer, the same is kept pending and sought for indulgence of this Court.

4. Per contra, the learned Government Advocate (Crl.Side) Mr.M.Sakthi Kumar drew my attention to the representation dated 27.09.2025 made by the petitioner and pointed out that the representation has been sent to the Home Secretary seeking departmental action as against the 4th respondent and the same representation has been forwarded to the 2nd respondent as well.



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Further, he submitted that under the SC/ST (Prevention of Atrocities) Act, 1989, Section 18 (A) mandates that no preliminary enquiry is required for registration of F.I.R and on receipt of a complaint in this regard, the Officer concerned is directed to register an F.I.R without conducting any preliminary enquiry and that mandate was promptly followed by the Sub Inspector of Police who had received the complaint and thereafter, the Superintendent of Police, Thoothukudi District in terms of Rule 7 of SC/ST (Prevention of Atrocities) Rules, 1995 had appointed the 4th respondent by proceedings in C.No.27/SJ & HR/SP- had appointed the 4th respondent considering his past experience to investigate on right lines the Crime in Crime No.357 of 2025. Only on being appointed by the Superintendent of Police in terms of SC/ST (Prevention of Atrocities) Rules, 1995, the 4th respondent had conducted the investigation. However, duly appreciating the petitioner's objection as to the manner in which the enquiry was conducted, the Superintendent of Police had later changed the investigation officer and had appointed one S.Raju, Deputy Superintendent of Police, District Crime Branch – 1, Thoothukudi under Rule 7(1) of SC/ST (Prevention



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of Atrocities) Rules, 1995 on 29.04.2025 in C.No.27/SJ & HR/SP-TUT/ 2025 and the enquiry was further conducted and case was fairly closed as against the petitioner. Further, the learned Government Advocate (Crl.Side) pointed out that Section 22 of the SC/ST (Prevention of Atrocities) Act, 1989 has provided protection to the action taken in good faith and no suit, prosecution or other legal proceedings shall lie against any officer for anything which is done in good faith under this Act.

5. Per contra, the learned counsel for the petitioner pointed out that the investigation conducted by the 4th respondent was not in good faith, but with a *mala fide* intention and hence, the matter has to be enquired and sought the indulgence of this Court by the 2nd respondent.

6. Heard the learned counsel on either side and perused the materials available in record.



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7. Whenever a representation is made to a statutory authority, it is the duty of the statutory authority to consider the representation and non-consideration of representation in one way or other would amount to dereliction of duty. It is needless to say that the statutory authority has to pass an order on receipt of any representation. In view of the same, this Court directs the 2nd respondent to consider the representation of the petitioner, dated 27.09.2025 and pass orders, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the above directions, this Criminal Original Petition stands disposed of.

11.12.2025

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

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- To
- 1.The Director General of Police,
Chennai.
 - 2.The Inspector General of Police,
South Zone,
Madurai.
 - 3.The Superintendent of Police,
Thoothukudi District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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