



WEB COPY

CRL OP No.5001 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No.5001 of 2026
and Crl.M.P. Nos.3673 & 3677 of 2026**

1.Neela
2.Surya Prabha
3.Jay Alias Jayakumar
4.Kannan

..Petitioner(s)

Vs

1. The State of Tamil Nadu Rep. by
The Assistant Commissioner of Police,
Selayur Range, Tambaram Commissionerate,
Tambaram, Chengalpattu District.

2.The Inspector of Police,
Pallikaranai Police Station,
Chengalpattu District.
(Crime No.479/2025)

3.T.Senthamil

..Respondent(s)

PRAYER: This Criminal Original Petition is filed under Section 528 of BNSS to call for the records, pending trial in S.C.No.307 of 2025 on the file of the Principal District and Sessions Court, (Special Court for SC/ST Act Cases), Chengalpattu, Chengalpattu District and quash the charge sheet.

For Petitioner:

Mr.Mr.R.C.Paul Kanakaraj for
Mr.K.S.Arumugam



For Respondents:

Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor assisted by
Ms.Harshana.T for R1 & R2
Mr.N.Selvaraju for R3

ORDER

The petitioners/accused, who are facing trial in S.C. No. 307 of 2025 for offences under Sections 296(b), 115(2), 329(4), 324(4) of the BNS read with Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the SC/ST Act, 1989, have filed the present quash petition.

2. The learned counsel for the petitioners submitted that the first petitioner's husband, Rengan and the defacto complainant have longstanding political animosity. The defacto complainant had earlier claimed ownership over 900 sq. ft. of land, out of which, according to him, during the year 2014, when Rengan was serving as Panchayat President, he had manipulated the FMB sketch and appropriated portions of the land, leaving the defacto complainant with only 200 sq. ft., which was subsequently taken over by the Highways Department. It is further submitted that the defacto complainant was only claiming Grama Natham land. According to the petitioners, owing to this grievance, the defacto complainant developed animosity against Rengan and was waiting for an opportunity to implicate the petitioners.

3. It is alleged that on 04.09.2025, when renovation work of a toilet on the second floor of the defacto complainant's property was underway, the



petitioners, who are family members of Rengan, along with others viz., Rengan's wife, daughter, son-in-law and his driver, trespassed into the property, assaulted the workers, demolished the construction, and abused the defacto complainant by referring to his caste name. However, it is the admitted position that the defacto complainant was not present at the scene at the time of the alleged occurrence and came to know of the incident only through the workers. Therefore, the allegation of caste-based abuse in his presence is disputed. It is further contended that the alleged occurrence took place on the second floor of a private building and not in a place within public view.

4. The learned counsel further submitted that the petitioners have valid title over the property. The first petitioner had applied for patta on 15.12.2020, which was granted on 29.07.2022 in the name of Rengan and his daughter (A2). Subsequently, by a release deed dated 13.08.2024, A2 relinquished her rights in favour of A1/ her mother. Thereafter, A1 mortgaged the property on 14.08.2024 with Cholamandalam Finance. The defacto complainant later applied for cancellation of patta on 13.02.2025 and also preferred an appeal before the RDO, followed by a writ petition. Only thereafter, the present complaint came to be lodged. Thus, it is contended that the dispute is purely civil in nature, which has been given a criminal colour, and that a false case has been foisted against the petitioners by exploiting caste-related provisions.



5. The learned counsel relied upon the judgment of the Hon'ble Supreme Court in *Shajan Skaria vs. State of Kerala & Another*, reported in (2024 SCC OnLine SC 2249), to contend that mere reference to caste without intentional insult would not attract Section 3(1)(r) of the Act. He also relied on *Deepak Kumar Tala vs. State of Andhra Pradesh & Others*, reported in (2025 INSC 390), to submit that the alleged act must occur within “public view” to attract Sections 3(1)(r) and 3(1)(s) of the Act.

6. Per contra, the learned counsel for the third respondent strongly opposed the petition and submitted that the defacto complainant, upon learning of the incident, immediately lodged an online complaint, which was acknowledged by the police. He also contacted the emergency police service, following which the police visited the scene. Due to the political influence of the accused, there was a delay of four days in registering the FIR, which cannot be attributed to the defacto complainant. It is further submitted that the defacto complainant belongs to a Scheduled Caste community, and his caste identity was well known to the accused. The accused, motivated by animosity, demolished the construction and used abusive caste-based remarks. The occurrence took place in an open area on the second floor, which would fall within “public view.”

7. The learned counsel pointed out that L.W.2 to L.W.6 are eyewitnesses who have corroborated the version of the defacto complainant. Though the



defacto complainant reached the spot after the demolition, he was also abused by the accused by referring to his caste name. The statements recorded under Section 164 Cr.P.C. clearly reflect specific caste-based abuse. The CCTV footage of the incident has also been produced along with the required certificate.

8. The learned Additional Public Prosecutor submitted that based on the complaint of the second respondent, a case in Crime No. 479 of 2025 was registered. The police conducted a detailed investigation, visited the scene, prepared observation mahazar and rough sketch, and examined witnesses. L.W.2 to L.W.6, who are labourers present at the scene, have given consistent statements regarding the occurrence. It is submitted that issues relating to title and ownership of property fall outside the scope of criminal investigation and must be adjudicated before the appropriate civil forum. The investigation officer has collected sufficient materials, including witness statements, electronic evidence, and caste certificate of the defacto complainant. A charge sheet has been filed listing L.W.1 to L.W.17. At this stage, the Court is only required to ascertain whether a prima facie case exists and not whether the case will ultimately result in conviction.

9. Upon consideration of the submissions and perusal of the materials on record, this Court finds that, apart from the defacto complainant, L.W.2 to L.W.6 have provided statements corroborating the allegations of demolition and



caste-based abuse in public view. Electronic evidence has also been collected and submitted. In light of these materials, a charge sheet has been filed. The issues raised by the petitioners are predominantly factual in nature and pertain to matters that can be adjudicated only during trial and not in a petition for quashing.

10. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed.

24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RKP

To

1. The Principal District and Sessions Court,
(Special Court for SC/ST Act Cases), Chengalpattu,
Chengalpattu District.
2. The Assistant Commissioner of Police,
Selaiyur Range, Tambaram Commissionerate,
Tambaram, Chengalpattu District.
3. The Inspector of Police,
Pallikaranai Police Station,
Chengalpattu District.
4. The Public Prosecutor,
Madras High Court, Madras.



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M.NIRMAL KUMAR, J.
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