



CrI.O.P.(MD)No.2043 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

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M.Ponnuthai

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. By the Commissioner of Police,
O/o. the Commissioner of Police,
Alagarkovil Road, Madurai City.

2. The Assistant Commissioner Of Police,
O/o. the Assistant Commissioner of Police,
Thideer Nagar,
Madurai City.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to the Impugned Closure Report on the file of the 2nd respondent dated 29.11.2024 and set aside the same as illegal and direct the 2nd respondent to register the FIR without conducting preliminary enquiry in light of Section 18(A) of the SC/ST (POA) Act 1989.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.S.Ravi

Additional Public Prosecutor



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ORDER

The petitioner seeks to set aside the closure report on the file of the 2nd respondent dated 29.11.2024 and also to direct the 2nd respondent to register the FIR without conducting preliminary enquiry in light of Section 18(A) of the SC/ST (POA) Act 1989.

2. The learned counsel appearing for the petitioner submitted that the petitioner is a scavenger working in Madurai Corporation. On 26.08.2024, the petitioner along with 13 other victims (scavengers/sweepers) lodged a detailed complaint before the respondent police seeking registration of a criminal case and sought action against the proposed accused, who is none other than the Sanitary Inspector namely Ramesh. However, without registering an FIR forthwith, a preliminary enquiry was conducted by the respondent police and later, a closer report was filed.

3. The learned counsel appearing for the petitioner further pointed out that aggrieved by the non-consideration of his complaint by the respondent police, the petitioner had filed a writ petition in WP(MD)No.21655 of 2024



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seeking direction to the respondents 1 to 3 to conduct further investigation, based on the complaint lodged by the petitioner dated 28.08.2024 and take appropriate action under the SC/ST (POA) Act 1989 within a stipulated period of time, wherein this Court vide order dated 12.09.2024 directed the second respondent to hear the proposed accused namely, Ramesh, Sanitary Inspector and also consider the petitioner's representation and to conclude the enquiry within a period of one week from the date of receipt of a copy of that order.

4. Pursuant to the same, since the second respondent police failed to take any further action, the petitioner had filed a contempt petition in Cont.P(MD)No.2895 of 2024 before this Court. When the matter was taken up for hearing, the learned Government Advocate had produced photographs before this Court to substantiate that the petitioner was shown to be enquired by the Assistant Commissioner of Police. But at the same time the said exercise has been done without registering an FIR. This Court, having surprised by the same, had made an observation in para 4 of the said order which reads as follows:-

“4. The learned Government Advocate (Criminal Side) appearing for the contemnor has produced photograph, wherein, the petitioner was shown to be enquired by the Assistant Commissioner of Police. But at the same time, it is not known how the police without registering FIR has conducted such an elaborate enquiry.



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But the fact remains that the Assistant Commissioner of Police conducted a detailed enquiry and on the basis of which, he proceeded to close the complaint. It is seen from the records that closure report is dated 29.11.2024.”

This Court, on perusal of the closure report dated 29.11.2024, closed the contempt petition giving liberty to the petitioner to file a private complaint if so advised.

5. The learned counsel appearing for the petitioner, pointed out that the petitioner was not advised to file a private complaint. On the contrary, he had come before this Court on the strength of Section 18A of the SC/ST (POA) Act 1989, and pointed out that neither enquiry nor approval is required and for the purpose of the SC/ST (POA) Act 1989, preliminary enquiry shall not be required for registration of an FIR against any person. However, in the instant case, even after 14 victims having lodged complaints separately as against a single person, without registering an FIR, the Assistant Commissioner of Police conducted an enquiry claiming to have complied with the order passed by this Court in WP(MD)No.21665 of 2024 and had closed the complaint and sought the indulgence of this Court.



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6. The learned Additional Public Prosecutor appearing for the respondent police categorically contended that the petitioner ought to have raised his objection at the stage of making submissions before this Court in WP(MD)No.21665 of 2024. Having not done so, he also had an opportunity of reiterating his right under Section 18A of the SC/ST (POA) Act 1989 at least when the contempt petition was heard, when this Court had closed the contempt petition by giving liberty to the petitioner to file a private complaint. Having not done so, the only remedy which is available to him, if at all he is aggrieved by the closure report, is to approach the trial Court by following the mandates of the Hon'ble Supreme Court in the case of ***Lalita Kumari vs Govt.Of U.P.& Ors*** reported in ***AIR 2014 SC 187***, by filing a protest petition and he cannot file an application before this Court on the guise of seeking to set aside the closure report.

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

8. Considering the fact that this Court, in Cont.P.(MD)No.2895 of 2024, had observed that it is not known as to how the police without registering an FIR, has conducted such an elaborate enquiry and a closure report has also been



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filed by them, this Court finds it necessary to dispose of this petition by giving liberty to the petitioner to file a protest petition before the trial Court.

Accordingly, this criminal original petition stands disposed of by giving liberty to the petitioner to file a protest petition before the trial Court.

03.02.2026

NCC : Yes / No

Index : Yes / No

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TO:-

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O/o. the Commissioner of Police,
Alagarkovil Road, Madurai City.
2. The Assistant Commissioner Of Police,
O/o. the Assistant Commissioner of Police,
Thideer Nagar,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
CrI.O.P.(MD)No.2043 of 2026

Dated
03.02.2026