



Crl.A.(MD).No.232/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 17.02.2026

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THE HONOURABLE MRS. JUSTICE N.MALA

Crl.A.(MD).No.232/2026

M.Saravana Kumar

..

Appellant

Versus

1.The Assistant Commissioner of Police
Anna Nagar Range, Madurai City
Madurai 625 020.

2.The Inspector of Police
E3 Anna Nagar Police Station
Madurai City, Madurai 625 020.

..

Respondents

Prayer:- Criminal Appeal filed under Section 14[A][2] of the SC/ST [POA] Act, to call for the records pertaining to the order of learned III Additional District and Sessions Judge, [PCR], Madurai, in CMP.No.62/2026 dated 11.02.2026, and set aside the same insofar as rejecting to take the cognizance of the offences u/s.296[b], 115[2], 351[2] of BNS, 2023, and sections 3[1][r] & 3[1][s] of the SC/ST [Prevention of Atrocities] Act, 1989, and further direct the respondent police to forthwith arrest the accused persons in Crime No.80/2026 registered by E3 Anna Nagar Police Station, Madurai by ensuring fair, effective and time bound investigation.



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For Appellant : Mr.C.Selvakumar

For RR 1 & 2 : Mr.K.Sanjai Gandhi, GA [Crl.Side]

JUDGMENT

- (1)The appeal is preferred by the appellant against the order dated 11.02.2025, made in CMP.No.62/2026, by the learned II Additional District and Sessions Judge [PCR], Madurai, dismissing the petition filed for a direction to the police to arrest the accused persons pursuant to his complaint dated 12.08.2025,
- (2)The appellant filed a complaint on 12.08.2025 against the accused 1 to 4 complaining of criminal conspiracy to illegally grab his valuable property by refusing to vacate the premises and continuously harassing and intimidating the appellant.
- (3)Since no action was taken on the complaint of the petitioner dated 12.08.2025, the petitioner submitted detailed representations on 27.09.2025 and 12.01.2026 to the Commissioner of Police, Madurai City, complaining of the caste atrocity, threats, assault and illegal occupation.



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However, no action was taken and therefore, the petitioner filed WP.Crl.(MD).No.504/2026, pursuant to which, directions were issued to the respondent police to take action. The appellant states that only thereafter, an FIR in Crime No.80/2026 came to be registered on 09.02.2026, for the offences under Sections 296[b], 115[2], 351[2] of BNSS and under Sections 3[1][r] and 3[1][s] of SC/ST Act. The appellant further states that meanwhile, the appellant was constrained to file CMP.No.62/2026, before the Special Court [PCR], Madurai, seeking judicial direction to arrest the accused. However, the said application was dismissed and therefore, the appellant was constrained to file the above appeal for the aforesaid relief.

(4)The learned Government Advocate [Crl.Side] accepting notice on behalf of the respondents, submitted that after investigation on the appellant's complaint, the complaint was closed as 'Mistake of Fact' and therefore, nothing survives for adjudication in the appeal.

(5)Heard both sides and perused the materials placed on record.

(6)Since the complaint of the appellant has been closed as 'Mistake of Fact', as rightly contended by the learned Government Advocate [Crl Side], nothing survives for adjudication in the appeal.



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(7)Hence, the Criminal Appeal is **disposed of**. However, the appellant is granted liberty to challenge the closure of the complaint as 'Mistake of Fact' by filing a Protest Petition before the jurisdictional Court.

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To

1.The Assistant Commissioner of Police
Anna Nagar Range, Madurai City
Madurai 625 020.

2.The Inspector of Police
E3 Anna Nagar Police Station
Madurai City, Madurai 625 020.

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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N.MALA, J.,

AP

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