

Crl.A(MD)No.529 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A(MD) No.529 of 2026

Chelliah

... Appellant

Vs.

1.The State rep by
the Deputy Superintendent of Police,
Bodi Sub-Division,
Theni District.
[Crime No.166 of 2025]

2.Chandra

3.Moorthy

4.Radha

5.Jeyaraj

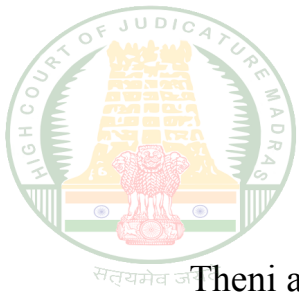
6.Sivamani

7.Kamaraj

8.Prabhakar

... Respondents

Prayer: Appeal filed under Section 14 - A of the SC/ST (POA) Act to call for the records relating to the order dated 03.02.2026 passed in CrlMP.No.3 of 2026 by the Special Court for Trial of Cases under SC/ST (POA) Act,



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Theni and set aside the order as illegal, unjust and arbitrary.

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For Petitioner : Mr.A.Jeyaramachandran
For Respondent : Mr.S.Deena Dhayalan
No.1 Government Advocate

ORDER

This appeal is directed against the orders of the learned Sessions Judge, Special Court for Trial of cases under SC/ST (POA) Act, Theni dated 03.02.2026 in Cr.M.P.No.3 of 2026.

2.The appellant has lodged a complaint as against respondents 2 to 8 that they assaulted and abused him by using his caste name and damaged his drainage pipe on 26.11.2024 at about 9.00 a.m. Based on the complaint of the appellant, Bodinayakkanur Rural PS have registered an FIR in Crime No.166 of 2025 on 25.08.2025. Since the case was registered under provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the 1st respondent Deputy Superintendent of Police has conducted investigation into the complaint of the appellant and filed a final report as Mistake of Fact. The appellant was served with RCS notice and he filed a protest petition challenging the final

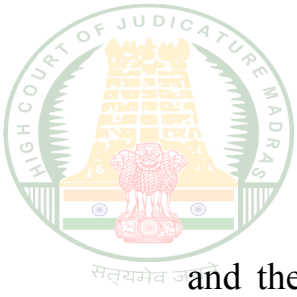


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report before the Special Court for Trial of cases under SC/ST Act, Theni alleging that no witnesses were enquired by the investigating officer and hence the investigation was not conducted in a proper manner. The Special Court by its impugned order dated 03.02.2026 rejected the protest petition filed by the appellant and therefore the present appeal has been preferred.

3.The learned counsel appearing for the appellant submits that the land in Survey No.293/7 to an extent of 1 Acre 18 cents situated at Melachokkanathapuram was partitioned among one Suruli Subbu and the 8th respondent, who are brothers and their father one Subbusamy Gounder. Out of this land, 26 cents was allotted to the 8th respondent, which was subsequently purchased by the appellant. He further submits that the said Suruli Subbu has executed a gift deed in favour of the Melachokkanathapuram town panchayat on 23.08.2001, whereby 10 cents belonging to the appellant was alienated and that respondents 2 to 8 have attempted to grab the property belonging to the appellant. Thereafter, when a road was laid near the appellant's house, the appellant attempted to fix a pipeline for drainage during which a dispute arose between the appellant



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and the respondents 2 to 8 and they assaulted the appellant and insulted him using his caste name.

4.The learned counsel appearing for the appellant also submits that the investigation officer has obtained statements from 12 persons regarding the incident. Even though witnesses from the Scheduled Caste community had also witnessed the incident, no statements were recorded from such persons. Therefore, the investigation was conducted in a biased manner. Further, he submits that the trial court has erroneously accepted the contention of the 1st respondent investigating officer that the respondents were not present at the place of occurrence. The appellant has stated in his complaint that the incident occurred at around 9 a.m and as per the call detail records, several of the accused were only a few metres or kilometres away from the place of occurrence. Hence, he prays that this appeal be allowed.

5.On the other hand, the learned Government Advocate appearing for the respondent police submits that the 1st respondent has taken up investigation of the complaint and as per the call detail records of the



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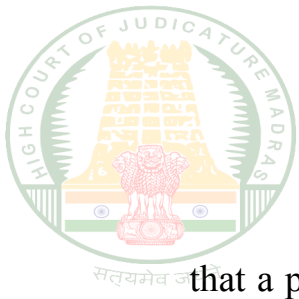
accused, they were not present at the place of occurrence.

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He further submits that the investigating officer has recorded the statements of several witnesses near the place of occurrence and only on the basis of their statements, the final report has been filed as mistake of fact. Hence, he prays for dismissal of this appeal.

6.This court considered rival submissions and perused the materials.

7.The appellant belongs to the Scheduled Caste Community. He served as a Deputy Manager in a nationalised bank at Chennai. He is a native of Dharmathupatti of Bodi Taluk and he purchased 26 cents of land in Survey No.293/7 from the 8th respondent. The land in Survey No.293/7 to an extent of 1 Acre 18 cents situated at Melachokkanathapuram was originally partitioned among one Suruli Subbu and the 8th respondent, who are brothers and their father one Subbusamy Gounder. Out of this land, 26 cents was allotted to the 8th respondent. Thereafter, a registered power deed was executed in the name of the appellant's wife on 07.08.1995, the same was subsequently executed in the name of the appellant. It appears



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that a portion of the land in the “B” Schedule was alienated by way of gift deed in favour of the Melachokkanathapuram town panchayat on 23.08.2001, which also included some portion of the appellant's land and hence there was a property dispute between the appellant and respondents 2 to 8. While so, the appellant has lodged a complaint on 25.08.2025 that a dispute arose between the appellant and respondents 2 to 8 regarding digging of a pit and the construction of a drainage pipeline during the laying of a road on 26.11.2024 at 9 a.m and that respondents 2 to 8, damaged pipelines, assaulted him and abused him using caste name.

9.The 1st respondent investigating officer has filed the final report as a mistake of fact on the following grounds:

(i)There was an existing property dispute between the appellant and respondents 2 to 8 regarding the land on Survey No.293/7 and Respondent No.5 had filed an application before the civil court to survey the land. However, the appellant had objected to the same and filed an application against the same.

(ii)As per the call detail records and tower location of the accused, they were not present at the alleged place of occurrence and each



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accused was present at a different place. Further, the investigating officer also recorded statements from several witnesses including the labourers, who witnessed the incident, which revealed that no such occurrence had taken place.

(iii)The appellant has not produced any materials to show that his pipeline was damaged or medical records to show that he received any treatment from the assault of the accused.

(iv)The investigating officer produced the photos taken on the mobile phone of one Rajeshkanna who was working in the laying of road to show that the laying of road and installation of pipes occurred without any dispute.

10.The special court has accepted the findings of the investigating officer and also the materials collected in support of the conclusion that the alleged incident did not take place. A perusal of the final report reveals that the investigating officer has collected materials to establish that there was a property dispute between the appellant and respondents 2 to 8 and also as per the call detail records, the accused were present not only at different distance from the place of occurrence but each



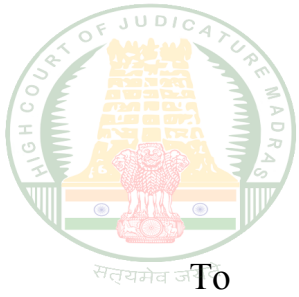
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accused was present at different locations. It is pertinent to note that merely because the witnesses from whom statements were recorded do not belong to the Scheduled Caste Community, this court cannot draw a conclusion that the investigation was conducted in a biased manner. Further, there is a mechanism under Rule 7 (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 wherein the Investigating Officer has to submit a report after completion of the investigation to the Superintendent of Police, who in turn shall immediately forward the same to the Director General of Police or Commissioner of Police. Since there are materials justifying the conclusion of the investigating officer and the appellant also has not made out any infirmities in the impugned order of the Special Court, this court is not inclined to interfere with the same. Accordingly, this appeal is dismissed.

01.06.2026

DSK



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To

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1.The Special Court for Trial of Cases
under SC/ST (POA) Act, Theni.

2.The Deputy Superintendent of Police,
Bodi Sub-Division,
Theni District.

Copy to

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



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B.PUGALENDHI, J.,

DSK

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