



Crl.OP(MD)No.20512 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.20512 of 2025

M. Arunkumar

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep by. the Deputy Superintendent of Police,
Umatchikulam Sub Circle,
Madurai District.

2. The Inspector of Police,
Appan Thirupathi Police Station,
Madurai District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the return order by III Additional District and Sessions (PCR) Court, Madurai, dated 07.11.2025 and direct to number Crl.M.P.No. Of 2025.

For Petitioner : Mr.A.Vadivel

For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)



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ORDER

The petitioner, in his anxiety to set the criminal law in motion, appears to have pursued two different routes. One route was by approaching this Court in **Crl.O.P.(MD)No.22435 of 2025**, challenging the closure of his complaint and seeking consequential registration of FIR. The other route is the present petition, wherein he challenges the return order dated 07.11.2025 passed by the learned III Additional District and Sessions Judge, PCR Court, Madurai, returning his petition filed under Section 175(3) of BNSS, 2023.

Case of the petitioner:

2. The petitioner claims to be the Administrative Trustee of Arulmigu Ayyanar Kovil, situated at Erukkalainatham Village, Madurai District. According to him, the temple owns immovable property comprised in Survey Nos.8/1 and 8/5, measuring an extent of 2 acres and 83 cents. It is alleged that certain third parties created forged sale deeds, namely, Document No.4945 of 2008 dated 04.12.2008 and Document No.3783 of 2021 dated 18.08.2021, and alienated the temple property to third parties. The petitioner further



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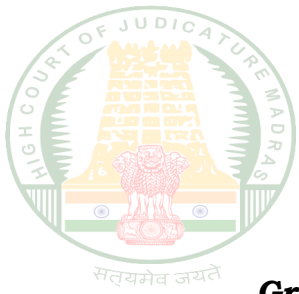
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alleges that the proposed accused had committed acts attracting penal provisions as well as the provisions of the SC/ST Act.

3. The petitioner submitted a complaint on 27.09.2025 before the respondent police. Since no FIR was registered, he submitted further representations to the higher police authorities. Thereafter, he approached the learned III Additional District and Sessions Judge, PCR Court, Madurai, by filing a petition under Section 175(3) of BNSS seeking a direction to register FIR and investigate the matter.

4. The learned Special Court, by return order dated 07.11.2025, returned the petition by relying upon the decision of this Court in State represented by the **Assistant Commissioner of Police, Kilpauk Range, Kilpauk, Chennai v. Sugumar**¹, holding that the petitioner has to work out his remedy before the competent Magistrate in accordance with law.

¹ CrI.O.P.No.1048 of 2022



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Grounds raised:

5. The principal ground urged by the petitioner is that the learned Special Court erred in returning the petition without numbering it. According to the petitioner, in view of Section 14 of the SC/ST Act, the Special Court alone has exclusive jurisdiction in respect of offences under the said Act.

6. It is further contended that a Judicial Magistrate would have no jurisdiction to entertain a petition under Section 156(3) Cr.P.C. or Section 175(3) BNSS in respect of offences under the SC/ST Act. Therefore, the petitioner contends that the learned Special Court ought to have numbered the petition and passed appropriate orders. The petitioner has also relied upon the judgment in **Muniraj Vs. State²**, to contend that once the complaint discloses offences under the SC/ST Act, the police cannot conduct preliminary enquiry and are bound to register FIR.

2 2025 (2) MWN (Cr.) 631



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Submissions on either side:

7. The learned counsel for the petitioner submitted that the complaint disclosed cognizable offences, including offences under the SC/ST Act, and therefore, the return of the petition by the learned Special Court is unsustainable. It was argued that the learned Special Court ought not to have directed the petitioner to approach the Magistrate, particularly when the allegations involved offences under the SC/ST Act.

8. Per contra, the learned Government Advocate submitted that the issue raised in the present petition substantially overlaps with the grievance already considered by this Court in **Crl.O.P. (MD)No.22435 of 2025**. It was further submitted that the petitioner's grievance regarding non-registration of FIR has already been addressed by this Court in the connected matter and, therefore, no separate direction is required in the present petition.



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Point for Consideration:

9. The point that arises for consideration is whether the return order dated 07.11.2025 passed by the learned III Additional District and Sessions Judge, PCR Court, Madurai, returning the petitioner's application under Section 175(3) BNSS, calls for interference by this Court, particularly when the petitioner's substantive grievance for registration of FIR has already been addressed in Crl.O.P.(MD)No. 22435 of 2025?

Analysis:

10. This Court has carefully considered the submissions made on either side and perused the materials placed on record.

11. The petitioner's grievance in substance is not against the return order alone. The real grievance is that his complaint dated 27.09.2025 was not acted upon by the police and that no FIR was registered despite allegations disclosing cognizable offences.

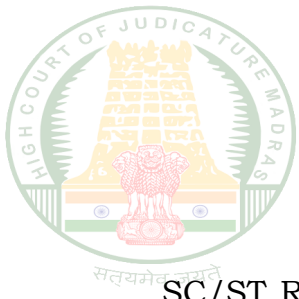


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12. It is seen that the petitioner had resorted to two different procedural routes for the same ultimate relief, namely, registration of FIR against the proposed accused. In **Crl.O.P.(MD)No.22435 of 2025**, the petitioner directly questioned the closure of his complaint and sought consequential registration of FIR. In the present **Crl.O.P. (MD)No.20512 of 2025**, he challenges the return of his petition filed before the learned Special Court seeking a similar direction.

13. Thus, both petitions arise out of the same factual matrix, namely, the petitioner's complaint relating to the alleged forged documents concerning the temple property at Erukkalainatham Village and the alleged failure of the police to register FIR.

14. In **Crl.O.P.(MD)No.22435 of 2025**, this Court has already considered the petitioner's substantive grievance. This Court has taken note of the statutory bar on preliminary enquiry under Section 18A(1)(a) of the SC/ST Act and the requirement under Rule 7 of the



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SC/ST Rules that investigation shall be conducted by an officer not below the rank of Deputy Superintendent of Police.

15. By the order passed in **Crl.O.P.(MD)No.22435 of 2025**, this Court has duly addressed the petitioner's plight by quashing the impugned closure proceedings and directing the competent authority to register FIR on the basis of the petitioner's complaint dated 27.09.2025, if the same discloses cognizable offences under the SC/ST Act and other penal laws, without any further preliminary enquiry.

16. In view of the said order, the grievance of the petitioner has been substantially and effectively redressed. Therefore, the present petition, which challenges the return order passed by the learned Special Court, survives only as a procedural challenge.

17. Coming to the legality of the return order dated 07.11.2025, this Court finds no infirmity in the reasoning of the learned III Additional District and Sessions Judge, PCR Court, Madurai. The learned Special Court has relied upon the decision of



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this Court in **Crl.O.P.No.1048 of 2022**, wherein it has been held that though the learned Special Court may directly take cognizance of offences under the SC/ST Act, the existence of such power does not *ipso facto* take away the jurisdiction of the Magistrate to act in accordance with the Code and commit the matter to the Special Court, if necessary.

18. The return order proceeds on the premise that the learned Special Court cannot assume the role of a Magistrate for the purpose of entertaining a private complaint or an application seeking a direction for registration of FIR, unless such power is specifically traceable to the statute. The view taken by the learned Special Court is in consonance with the legal position referred to in the return order.

19. Therefore, the impugned return order cannot be characterised as illegal, perverse, or without jurisdiction. It does not suffer from any manifest error warranting interference under Section 528 BNSS.



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20. At the same time, this Court cannot lose sight of the fact that the petitioner's substantive grievance has already been considered and addressed in **Crl.O.P.(MD)No.22435 of 2025**. Hence, no further or separate direction is required in the present petition.

21. Courts are often required to distinguish between a procedural route and a substantive remedy. A litigant may choose different doors in the corridors of justice, but when the grievance is one and the same, the Court must ensure that the remedy is not duplicated, but effectively secured.

22. In the present case, the petitioner's ultimate prayer was to ensure that his complaint is acted upon in accordance with law. That concern has already received judicial attention and redress in **Crl.O.P.(MD)No.22435 of 2025**. Once the substantive grievance stands addressed, the present challenge to the return order need not



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be carried further, particularly when the return order itself does not suffer from any legal infirmity.

23. In the result, this Criminal Original Petition is disposed of with the following observations:

(i) The return order dated 07.11.2025 passed by the learned III Additional District and Sessions Judge, PCR Court, Madurai, does not suffer from any infirmity warranting interference by this Court.

(ii) It is recorded that the subject matter of the present petition and **Crl.O.P.(MD)No.22435 of 2025** pertains to the same grievance of the petitioner, namely, registration of FIR on the basis of his complaint relating to the alleged forged documents and connected allegations.

(iii) The petitioner's plight has already been duly addressed by the order passed by this Court in **Crl.O.P.(MD)No.22435 of 2025**.

(iv) In view of the same, no further orders are necessary in the present petition.



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24. Accordingly, this Criminal Original Petition stands disposed of.

01.06.2026

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

To

- 1.The Deputy Superintendent of Police,
Umachikulam Sub Circle,
Madurai District.
- 2.The Inspector of Police,
Appan Thirupathi Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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