



Crl.OP(MD)No.22435 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.22435 of 2025

M. Arunkumar

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep by the Director General of Police,
Chennai,
Tamilnadu.
2. The Deputy Superintendent of Police,
Umatchikulam Sub Circle,
Madurai District.
3. The Inspector of Police,
Appan Thirupathi Police Station,
Madurai District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to enquiry report in respect of petition receipt No.318/2025 on the file of the 3rd respondent and set aside the same and consequently direct the 2nd respondent to register a case.



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For Petitioners : Mr.A.Vadivel

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

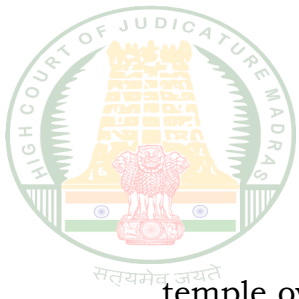
ORDER

Preface:

The present petition raises an issue of considerable statutory importance under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, specifically the statutory bar on preliminary inquiry under Section 18A(1)(a). The petitioner, belonging to a Scheduled Caste community and serving as Administrative Trustee of a temple, alleges creation of forged documents and caste abuse. Instead of registering an FIR, the police issued two separate *closure reports*, one by the Inspector of Police and one by the Deputy Superintendent of Police, prompting the petitioner to invoke the inherent jurisdiction of this Court.

Facts of the case:

2. The petitioner is the Administrative Trustee of Ayyanar Kovil, situated at Erukkalainatham Village, Madurai District. The



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temple owns immovable property in Survey No.8/1 ,8/5 measuring 2 acres and 83 cents situation in Erukkalainatham Village, Madurai District. According to the petitioner, third parties created forged sale deeds bearing Document Nos. 4945/2008 dated 14.12.2008 and 3783/2021 dated 18.08.2021 and alienated property belonging to the temple.

3. Aggrieved by the alleged forgery and caste abuse, the petitioner lodged a written complaint on 27.09.2025 before the third respondent. No action was taken. Thereafter, a further representation was submitted to the second respondent on 29.07.2025, which also remained unattended. Subsequently, on 30.09.2025, the petitioner escalated the matter to the Superintendent of Police. It is stated that the petitioner has also filed Crl.O.P.(MD) No.1048 of 2022, seeking a direction for registration of FIR, which is still pending.

4. Meanwhile, the third respondent conducted an inquiry and passed an order dated *nil*, closing the complaint. The petitioner



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challenges the said order on multiple grounds including lack of jurisdiction, violation of Rule 7 of the SC/ST Rules, and illegality under Section 18A(1)(a) of the Act.

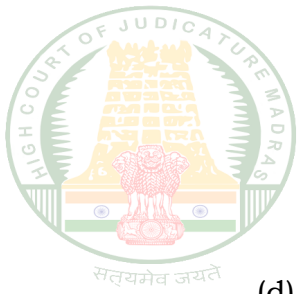
Submissions on either side:

5. The learned counsel for the petitioner contended:

(a) The Inspector of Police (third respondent) is *not competent* to conduct inquiry in respect of offences alleged under the SC/ST Act. Under Rule 7, investigation must be conducted only by a Deputy Superintendent of Police.

(b) The complaint clearly disclosed cognizable offences, particularly caste abuse coupled with forgery relating to temple property. Hence, registration of FIR was mandatory in terms of Section 154 CrPC and Section 18A(1)(a) of the SC/ST Act.

(c) The third respondent's act of conducting a preliminary inquiry violates the explicit statutory prohibition under Section 18A(1)(a), inserted by Amendment Act 27 of 2018.



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(d) Reliance is placed upon ***Union of India v. State of Maharashtra***¹, and ***Lalita Kumari v. State of U.P.***², and the recent decision of this Court in ***Muniraj v. State***³, where preliminary inquiries in SC/ST complaints were held to be *illegal*.

6. Per contra, the learned Government Advocate produced the proceedings of the second respondent dated 22.11.2025, in Reference No.337/Camp/DSP/OMK/MD, showing inquiries conducted on 26.11.2025, 28.11.2025, and 03.12.2025, and submitted that, the matter is a civil dispute. As per the report of the DSP, on 22.11.2025, the investigation has been conducted and the same was closed as civil in nature, by advising the respective parties to approach the concerned civil court. During the course of inquiry, it is clearly revealed that the individuals mentioned in the petition were not present at the place of occurrence and were residing in another district. To substantiate the same, the individual persons have also given statements in this regard, that no such incident had

1 AIR 2019 SC 4917

2 (2014) 2 SCC 1

3 2025 (2) MWN (Cr.) 631



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taken place and that the complaint of the petitioner was closed as “false”. Therefore, he contended that no relief may be granted.

Analysis:

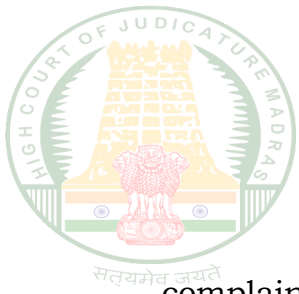
7. Section 18A(1)(a) of the SC/ST Act, inserted by the 2018 amendment, reads:

“No preliminary enquiry shall be required for registration of a First Information Report against any person.”

8. Thus, where a complaint *discloses cognizable offences under the SC/ST Act*, the police is bound to register FIR immediately, without embarking on any form of preliminary scrutiny.

9. The Hon’ble Supreme Court in ***Union of India v. State of Maharashtra***⁴ reaffirmed the mandatory nature of this provision and held that preliminary inquiries defeat the object of the Act. Likewise, ***Lalita Kumari v. State of U.P.***⁵ lays down that where a

⁴ Supra



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complaint discloses a cognizable offence, FIR registration is mandatory and not optional.

10. As per Rule 7 of the SC/ST Rules, investigation must be conducted only by an officer not below the rank of Deputy Superintendent of Police.

11. This Court in ***Muniraj v. State***⁶, held that an inquiry or investigation conducted by an incompetent officer is non est, invalid, and in total violation of the statutory mandate.

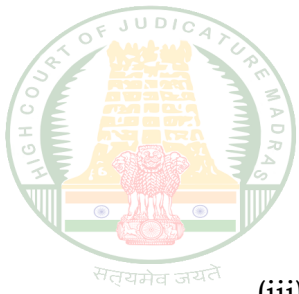
12. In the present case:

(i) The third respondent, an Inspector, conducted the entire preliminary inquiry, despite being *incompetent*.

(ii) No FIR was registered, though the complaint disclosed cognizable offences of caste abuse and forgery.

⁵ Supra

⁶ 2025 (2) MWN (Cr.) 631



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(iii) The subsequent closure order by the second respondent is also vitiated, because the mandate of Section 18A(1)(a) had already been violated.

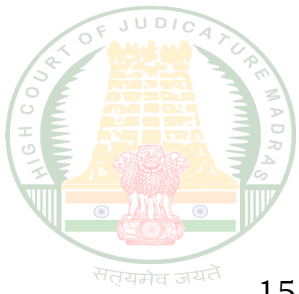
13. Once Section 18A(1)(a) is attracted, *no inquiry whatsoever* may precede FIR. Hence, both closure reports suffer from jurisdictional error, statutory violation, and non-application of mind.

14. In light of the above findings, this Court holds that:

(i).The proceedings of the third respondent closing the complaint without registering FIR are illegal.

(ii)The subsequent order of the second respondent dated 22.11.2025 in Ref.No.337/MK/MD is also vitiated, as it is the result of an illegal preliminary process.

(iii)The petitioner's complaint dated 27.09.2025 squarely attracts Section 18A(1)(a) of the SC/ST Act and warrants immediate registration of FIR.



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15. Accordingly, this Criminal Original Petition is allowed, and:

(i) The impugned inquiry report of the third respondent in Petition Receipt No.318 of 2025 is quashed.

(ii) The order of the second respondent dated 22.11.2025 in Ref.No.337/Camp/DSP/OMK/MD is also quashed.

(iii) The second respondent (Deputy Superintendent of Police) is directed to register a First Information Report 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, forthwith, without any further preliminary inquiry.

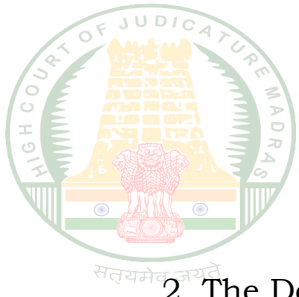
(iv) Compliance report shall be filed before this Court within four weeks from the date of receipt of a copy of this order.

01.06.2026

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

To

1. The Director General of Police,
Chennai,
Tamilnadu.



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



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L.VICTORIA GOWRI, J.

Sml

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