

State of Tamilnadu
In the Court of Sessions, Tenkasi Division
Before the Principal Sessions Judge, Tenkasi.
PRESENT: THIRU. B. RAJAVEL, B.SC., B.L.,
Principal Sessions Judge, Tenkasi
Tuesday the 21st day of April 2026
CRL.M.P.No. 99/2026

Suresh,
S/o Thangapandi,
No. 11A, Dr. Ambedkar 6th Street,
Chinthamani, Puliyangudi – 627 855

... Petitioner

Vs

1) The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

2) The Secretary to Government,
Department of Personnel and Administrative Reforms,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

3) The Director General of Police,
Police Headquarters, Mylapore,
Chennai – 600 004.

4) The Commissioner of Police,
Social Justice and Human Rights Division,
Police Headquarters, Mylapore,
Chennai – 600 004.

5) The Commissioner of Police,
Southern Zone, Madurai – 625 002.

6) The Deputy Commissioner of Police,
Tirunelveli Range – 627 011.

7) The District Collector,
Tenkasi District – 627 811.

8) The Superintendent of Police,
Tenkasi District – 627 811.

... Respondents

This petition is coming on this day for hearing before me in the presence of Thiru.C.Sureshkumar, Advocate for the petitioner and Thiru.S.Marikutty, the Public Prosecutor for respondent and on hearing both sides arguments and perusal of entire case records, this court delivered the following...

//ORDER//

This Criminal Miscellaneous Petition has been filed by the petitioner seeking directions to initiate action under Section 4(1) of the SC/ST (Prevention of Atrocities) Act, 1989 against various police officials and also seeking consequential administrative and criminal action against higher authorities including Secretaries to Government and senior police officials.

1)Petition Under Section 156(3) Cr.P.C.

The petitioner belongs to the Scheduled Caste, namely Hindu Devendrakula Vellalar community, and is well acquainted with the facts of the case. The petitioner had submitted a complaint dated 21.08.2024 before the Superintendent of Police, Tenkasi District, and the Inspector of Police, Vasudevanallur Police Station, seeking registration of an FIR against certain police officials, including Inspector Kanmani, for offences under the SC/ST (Prevention of Atrocities) Act and other penal provisions. However, no FIR was registered.

Thereafter, the petitioner submitted further representations to higher authorities requesting action, including initiation of administrative enquiry under Section 4(2) proviso of the SC/ST Act and prosecution under Section 4(1) of the Act for willful neglect of duty. Though the complaints were forwarded to the Superintendent of Police, Tenkasi District, no action has been taken till date. The petitioner also filed an application under the Right to Information Act seeking details regarding the action taken on the complaints. While it was stated that the matter was under enquiry, no effective action or information has been furnished.

On 23.10.2024, one Vanniyaraj was allegedly assaulted by police officials, including Inspector Kanmani, near Senthur Murugan Bike Workshop.

It is stated that he sustained multiple injuries due to physical assault and that his mobile phone and another person's phone were forcibly taken.

The said occurrence was witnessed by several persons and is stated to have been recorded in CCTV footage and mobile devices. The injured was taken to Government Hospital, Puliyangudi through ambulance services. It is further stated that the police attempted to interfere with his admission and treatment.

On 24.10.2024, it is alleged that certain police officials, including SI Madasamy and others, took the injured person from the hospital premises and further assaulted him. It is also alleged that the petitioner was threatened and that his mobile phone was forcibly taken.

It is the case of the petitioner that the police officials attempted to destroy material evidence, including CCTV recordings and mobile devices of witnesses. Despite complaints made to authorities and emergency police services, no FIR has been registered.

The petitioner has submitted multiple complaints seeking action under the SC/ST Act and other provisions of law. However, no administrative enquiry has been conducted and no criminal case has been registered.

It is further stated that the petitioner's representations were forwarded by the Government to higher police authorities, including the Director General of Police and concerned wings. However, no action has been taken so far.

According to the petitioner, such inaction amounts to willful neglect of duty, attracting provisions under Section 4(1) of the SC/ST Act. No enquiry, as contemplated under law, has been initiated.

In the above circumstances, the petitioner has approached this Hon'ble Court seeking appropriate directions for registration of FIR, conduct of enquiry, and initiation of proceedings against the concerned officials and Direct initiation

of administrative enquiry against the concerned officials for dereliction of duty; and also Direct recovery of seized materials including mobile phones and CCTV recordings; and Pass such further or other orders.

The points for determination is whether this petition is allowed or not?

1. Maintainability & Scope of Petition

At the outset, this Court is required to examine whether the present petition is maintainable in the form presented. The relief sought is twofold:

(i) to initiate criminal proceedings for alleged wilful neglect of duty under Section 4(1) of the SC/ST Act; and

(ii) to direct administrative/departmental action against several officials, including high-ranking authorities.

The petition, in its present form, travels beyond the permissible jurisdiction of this Court, particularly insofar as it seeks direct action against authorities who are not statutorily responsible for the alleged omission.

2. Requirement of “Wilful Neglect” under Section 4(1) SC/ST Act

An offence under Section 4(1) of the SC/ST Act is not made out by mere inaction or delay. The statute specifically requires proof of “wilful neglect of duty.”

In this context, the Hon’ble Supreme Court in *Priti Agarwalla v. State (NCT of Delhi)* (Paras 23–26) has held that:

There must be clear material indicating intentional or deliberate neglect, and Such determination ordinarily requires a prior administrative or departmental inquiry to distinguish bonafide lapse from wilful misconduct.

In the present case, no such administrative finding or material is placed before this Court to prima facie establish wilful neglect on the part of the concerned officials.

3. The petitioner has relied upon allegations of non-registration of FIR and inaction by police officials. However:

No material is placed to show intentional dereliction as opposed to procedural delay or dispute regarding facts;

No departmental finding or report is produced indicating culpable neglect;

The petition seeks to directly invoke criminal jurisdiction without laying the foundational requirement.

Therefore, the essential ingredient of Section 4(1), namely wilful neglect, remains unsubstantiated at this stage.

4.It is well settled that:

Under Section 18A of the SC/ST Act, registration of FIR is mandatory upon disclosure of a cognizable offence;

The duty to register FIR lies solely with the Station House Officer (SHO) concerned.

In case of failure, the remedy available to Filing of private complaint under Sections 200–204 Cr.P.C.

The petitioner has not properly exhausted or pursued the statutory remedy in the manner known to law.

5. Impleading of Officials

The petitioner has arrayed several high-ranking officials including Secretaries to Government and senior police authorities.

This Court finds that:

No specific allegation of direct involvement or wilful neglect is made against them;

They are not the statutory authorities responsible for registration of FIR;

Their impleadment is unnecessary and improper.

Courts have consistently deprecated such indiscriminate impleading of high officials in the absence of specific allegations.

6. Power of Court Regarding Departmental Inquiry

The petitioner has sought directions for departmental/administrative inquiry.

In this regard, the legal position is clear:

This Court cannot act as a disciplinary authority;

It cannot order initiation or imposition of disciplinary proceedings;

At best, it may direct the competent authority to consider the issue.

The competent authority in such matters is the Superintendent of Police, who alone is empowered to initiate departmental action.

7. The manner in which the petition has been framed—seeking multiple reliefs against several authorities without foundational material—amounts to an attempt to invoke criminal jurisdiction prematurely.

The petition appears to be:

Procedurally and Legally untenable; and Lacking necessary factual and legal foundation.

8. In view of the above discussion, this Court holds that:

The essential requirement of wilful neglect under Section 4(1) SC/ST Act is not prima facie established;

No prior administrative or departmental finding is placed before the Court;

The petitioner has not adopted the proper statutory remedies;

The impleading of higher authorities is unwarranted;

The relief sought is beyond the jurisdiction of this Court in the present proceedings.

Accordingly, this Criminal Miscellaneous Petition is dismissed as not maintainable.

However, it is made clear that:

The petitioner is at liberty to approach the Special Court under Section 200 Cr.P.C., if so advised.

No costs

Pronounced by me in open court, this the 21st day of April 2026.

PRINCIPAL SESSIONS JUDGE,
TENKASI.

Copy to:

- 1) The Special Public Prosecutor, Tenkasi.
- 2) The Superintendent of Police, Tenkasi.
- 3) The Inspector of Police, Puliyangudi Police Station.

PDC, TENKASI
CRL.M.P.99/2026
ORDER
Dated: 21.04.2026