

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
Saturday the 11th day of April 2026
RCS NO.10/2025
in
MP No.1/2025

Ravikumar,
S/o Kasi,
8/2 Malampattai street,
Melakadayanallur,
Kadayanallur

.... Complainant

/Vs./

State: The Inspector of Police,
Kadayanallur Police Station,
Cr.No.535/2020

... Respondent

Asan Ibrahim,
S/o Orattikalam @ Abdulkalam,
Kalanthar Masthan Street,
Kadayanallur.

... Accused

This petition is coming on this day for hearing before me in the presence of Thiru.G.Sudalaikani, Advocate for the Complainant 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//

1) The Final Report averments in brief are as follows:

In this case, the de facto complainant, Ravi Kumar, alleged that in respect of the property situated in Survey No. 849/1, and on 27.08.2020 at about 10.00 a.m. near KCC Xerox Shop, Kadayanallur, the accused Asan Ibrahim abused him by uttering caste-related words. Based on the said complaint, a case in

Cr.No.535/2020 was registered for offences under Sections 463, 465, 294(b), 506(1) IPC read with Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (POA) Act, 2015, and investigation was taken up.

During the course of investigation, the scene of occurrence was inspected and witnesses, including the alleged eyewitnesses cited by the complainant, were examined. All the material witnesses, including those who were said to be present at the time of occurrence on 27.08.2020 at about 10.00 a.m., have categorically stated that no such incident had taken place. Even the relatives of the complainant, cited as eyewitnesses, have not supported the version of the complainant.

Further, independent witnesses from the locality and nearby shops were examined, and they have also stated that no such occurrence took place at the alleged time and place.

With regard to the claim of property rights, the documents and revenue records were verified. The complainant failed to produce satisfactory documentary evidence to establish his title or possession. On the contrary, the records reveal that the property stands in the name of other persons who are in possession and enjoyment of the same.

In view of the above, the allegations made by the complainant are found to be false and not supported by evidence. The occurrence as alleged has not taken place.

Hence, the case is classified as “Mistake of Fact”, and final report is submitted accordingly.

2(i) Protest Petition filed under Section 173(8) Cr.P.C.

The petitioner is residing at the address mentioned above and belongs to a Scheduled Caste community (Hindu Pallar). He is a law-abiding citizen, leading a dignified life with his family.

The respondent/accused, Mr. Asan Ibrahim, belongs to a Backward Class Muslim (Lebbai) community and is a person of influence with financial,

political, and community backing. The subject property is situated at Kadayanallur, where persons of the accused's community reside in substantial numbers.

2(ii) The property measuring 77 cents in Survey No. 849/1 of Kadayanallur Village originally belonged to the petitioner's ancestors, namely Karuppi and Sivani, as evidenced by Settlement Documents Nos. 1019/1903, 1739/1948, and 2066/1948. The petitioner had produced relevant documents (Document Nos. 1 to 8) along with his complaint.

2(iii) It is submitted that one Murugaiya Pandian, by creating false documents, executed a power document in favour of the accused, Asan Ibrahim. When the petitioner attempted to take steps to recover his property, the accused, on 27.08.2020 at about 10.00 a.m., near KCC Xerox Shop, Kadayanallur, abused the petitioner in a public place by uttering caste-related derogatory words and also issued criminal intimidation.

Eyewitnesses Arumugam and Lakshmi witnessed the occurrence and warned the petitioner about the influence of the accused and possible danger to his life. Due to fear and mental distress, the petitioner could not immediately lodge a complaint and was under severe emotional strain.

2(iv) The Investigating Officer, without properly appreciating the true facts and materials placed by the petitioner, has erroneously filed a final report classifying the case as "Mistake of Fact," which is biased and in favour of the accused.

2(v) The petitioner submits the following grounds opposing the final report:

(i) The Investigating Officer has not clearly verified or discussed the genuineness of the documents (Document Nos. 1 to 8) submitted by the petitioner.

(ii) There is a reasonable apprehension that the witnesses cited by the petitioner were influenced or intimidated to depose against him.

(iii) The investigation does not clarify whether the “Karuppi” mentioned in the petitioner’s lineage and the “Karuppi” who allegedly sold the property are the same person or different individuals. No proper inquiry has been conducted regarding identity, lineage, or title.

(iv) The role of Murugaiya Pandian and the accused Asan Ibrahim in the alleged fraudulent transaction has not been properly investigated or reflected in the final report.

(v) Most of the witnesses examined belong to the same community as the accused, raising serious doubts about the impartiality of the investigation.

(vi) The Investigating Officer has failed to examine the chain of title relating to the documents (Nos. 1019/1903, 1739/1948, 2066/1948) and how the property changed hands over time.

(vii) The petitioner is continuously engaged in legal efforts to recover his property, and he is ready to substantiate his case with proper evidence.

The petitioner further submits that the FIR was registered only after an inordinate delay of nearly two months from the date of complaint, despite repeated representations, indicating a biased approach in favour of the accused.

The Investigating Officer has wrongly focused on civil aspects of title and ownership instead of properly investigating the criminal act of caste-based abuse and intimidation alleged to have occurred on 27.08.2020.

The alleged place of occurrence is a busy public area surrounded by shops, mosque, school, and public places, and is covered by CCTV surveillance. However, the Investigating Officer has failed to collect or examine such crucial electronic evidence.

The petitioner submits that due to the influence and power of the accused, the witnesses have been compelled to give statements against the petitioner, resulting in a distorted investigation.

The final report filed by the Investigating Officer is therefore improper, incomplete, and legally unsustainable, and the same is liable to be rejected.

Unless further investigation is ordered by appointing a competent and independent Investigating Officer, the petitioner will suffer irreparable loss and injustice.

Therefore, it is humbly prayed that this Hon'ble Court may be pleased to: Reject the final report filed by the Investigating Officer; and Order further investigation under Section 173(8) Cr.P.C. by a different competent Investigating Officer; or in the alternative, Treat this objection petition as a private complaint and proceed in accordance with law.

3(i) The points for determination is whether this petition is allowed or not?

This petition arises out of the final report filed by the Investigating Officer in Crime No. 535 of 2020 and the protest petition filed by the de facto complainant opposing the same.

The case of the complainant is that, in respect of the property situated in Survey No. 849/1, on 27.08.2020 at about 10.00 a.m., near KCC Xerox Shop, Kadayanallur, the first respondent/accused abused him in a public place by uttering caste-related derogatory words and also criminally intimidated him.

Based on the complaint, a case was registered for offences under Sections 463, 465, 294(b), 506(i) IPC read with Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 2015, and investigation was taken up.

Upon completion of investigation, the Investigating Officer has filed a final report referring the case as "Mistake of Fact," stating that the occurrence as alleged has not taken place.

3(ii) It is seen from the records that all the material witnesses, including the alleged eyewitnesses cited by the complainant, have not supported the case of the complainant. Even the relatives of the complainant, who were cited as eyewitnesses, have not corroborated the occurrence.

Further, independent witnesses from the locality and nearby shops were examined, and they have also stated that no such incident had taken place at the

alleged time and place.

The investigation further reveals that no independent or corroborative material has been collected to substantiate the allegation of caste-based abuse or criminal intimidation.

3(iii) With regard to the claim relating to the property, the records indicate that the complainant has not produced satisfactory documentary evidence to establish title or possession, and the available materials disclose that the property stands in the name of other persons.

In view of the above, the Investigating Officer has concluded that the allegations made by the complainant are false and the occurrence has not taken place, and accordingly classified the case as “Mistake of Fact.”

3(iv) The complainant has filed the present protest petition contending that the investigation is biased, that the documents produced by him have not been properly considered, and that the witnesses have been influenced by the accused.

It is further contended that the Investigating Officer has failed to examine material aspects such as the genuineness of documents, the chain of title, and the availability of electronic evidence such as CCTV footage.

The complainant has therefore prayed for rejection of the final report and for a direction for further investigation under Section 173(8) Cr.P.C., or in the alternative, to treat the protest petition as a private complaint.

4) This Court has carefully considered the submissions made by the complainant and perused the final report and materials available on record.

The point that arises for consideration is whether the final report classifying the case as “Mistake of Fact” is liable to be accepted.

It is well settled that at this stage, the Court is required to examine whether the materials collected during investigation disclose a prima facie case to proceed against the accused.

In the present case, the consistent stand of all material witnesses, including independent witnesses, is that no such occurrence has taken place. There is no independent corroboration to support the allegation of caste-based abuse in a public place, which is a necessary ingredient for the offences alleged. The allegations appear to arise in the background of a property dispute, which is essentially civil in nature.

Mere allegations, without supporting material, are not sufficient to proceed against the accused in a criminal case.

This Court finds no material irregularity or illegality in the investigation conducted by the Investigating Officer warranting interference.

5) The next point that arises is whether further investigation under Section 173(8) Cr.P.C. is required.

The power to order further investigation is to be exercised only when there is clear material showing that the investigation is incomplete or unfair. In the present case, the complainant has made only general allegations of bias without placing any concrete material to substantiate the same.

The mere fact that the witnesses have not supported the complainant cannot be a ground to order further investigation.

Therefore, this Court is not inclined to order further investigation in this case.

6) The next issue is whether the protest petition can be treated as a private complaint.

It is settled law that a protest petition can be treated as a complaint only if it satisfies the requirements of a complaint and discloses sufficient grounds to proceed.

In the present case, the protest petition does not contain sufficient material particulars or supporting evidence to proceed independently as a complaint.

Hence, this Court is not inclined to treat the protest petition as a private complaint.

However, the complainant is at liberty to file a fresh private complaint in accordance with law, if so advised.

7) In view of the above discussion, this Court concurs with the findings of the Investigating Officer that the case falls under the category of “Mistake of Fact.”

The Final Report filed in Crime No. 535 of 2020 is accepted and recorded as “Mistake of Fact.”

The Protest Petition filed by the complainant is dismissed.

The prayer for further investigation under Section 173(8) Cr.P.C. is rejected.

The request to treat the protest petition as a private complaint is declined.

Liberty is granted to the complainant to file a fresh private complaint, if so advised, in accordance with law.

Pronounced by me in open court, this the 11th day of April 2026.

PRINCIPAL SESSIONS JUDGE,
TENKASI.

RCS No.10/2025

in

MP No.1/2025

ORDER

Dated: 11.04.2026