

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
Thursday the 09th day of April 2026
RCS NO.13/2025
in
MP No.1/2025

1) Seetharaman,
S/o Ramanathan,
22, Thaika street,
Tenkasi

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

.... Complainants

/Vs./

State: The Inspector of Police,
Kadayanallur Police Station,
Cr.No.157/2021

... Respondent

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:

The complainants, Seetharaman and Ravikumar, claim that 77 cents of land in Survey No. 849/1, Kadayanallur, originally belonged to their ancestors and was in their enjoyment. It is alleged that Murugaiah Pandian created forged documents and unlawfully transferred the property to Asan Ibrahim, who in turn

dealt with Kaja Maideen, leading to further sale and subdivision of the land.

On 08.04.2021, when the complainants visited the property, they found construction activities in progress. Upon questioning, the accused persons allegedly threatened them with dire consequences, abused them in filthy language, and insulted them on the basis of caste and disability.

Based on the complaint, a case in Crime No. 157/2021 was registered under relevant provisions of IPC and the SC/ST (POA) Act. Investigation was conducted, witnesses were examined, and statements were recorded.

However, during investigation, most independent witnesses did not support the complainant's version and stated that no such incident occurred. Further, the complainants failed to produce documentary proof establishing their ownership or possession of the disputed property. Revenue records indicated the property stood in the name of Murugaiah Pandian and subsequent purchasers were in possession.

In view of the above, the investigating officer concluded that the occurrence as alleged was not substantiated and classified the case as Mistake of Fact, submitting the final report accordingly.

2) Objection Petition filed under Section 173(8) Cr.P.C., (MP No.1/2025)

The petitioners submit that, based on their complaint dated 09.04.2021, a case in Crime No.157/2021 was registered under Sections 447, 506(1) IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (POA) Amendment Act, 2015. However, the investigating officer has filed a final report as "Mistake of Fact" without conducting a fair and proper investigation. Hence, this objection petition is filed.

The petitioners state that 77 cents of land in Survey No.849/1, Kadayanallur, originally belonged to their ancestors. Murugaiah Pandian, by impersonation and forged documents, unlawfully dealt with the property and had earlier filed O.S. No.125/2013 before the Tenkasi Court, which was dismissed on 11.03.2021. Thereafter, he executed transactions in favour of Asan

Ibrahim and Kaja Maideen, leading to illegal subdivision and sale.

On 08.04.2021 at about 12.00 noon, when the petitioners inspected the property, they found construction work being carried out. On questioning, the accused Yasarkhan and others threatened the petitioners with death, abused them in filthy language, and insulted them on the basis of caste and disability. The accused also openly mocked the court order and claimed police support. Though a complaint was promptly lodged on 09.04.2021, the police failed to conduct a fair investigation and attempted to close the case in collusion with the accused. The petitioner, being a disabled person, approached the Disability Commission, which, by order dated 09.07.2021, directed proper enquiry. Even official communications from higher police authorities indicated irregularities and improper handling of connected cases.

Despite this, the investigating officer failed to examine material witnesses properly, ignored relevant documentary evidence, and conducted a one-sided investigation favouring the accused, culminating in the filing of a final report as “Mistake of Fact.”

The petitioners submit that the allegations are true and supported by evidence, and they are ready to prove the same before this Hon’ble Court.

Therefore, it is prayed that this Hon’ble Court may:

Reject the final report filed by the investigating officer;

Order further investigation under Section 173(8) Cr.P.C.;

In the alternative, treat this objection as a private complaint and proceed in accordance with law.

3) The points for determination is whether this Final Report is accepted or not?

4) This Court has carefully considered the protest petition filed by the de facto complainants, the final report submitted by the Investigating Officer, the case diary, statements recorded under Section 161 Cr.P.C., and all other

materials available on record.

4(i) The case arises out of Crime No.157 of 2021 registered for offences under Sections 447, 506(1) IPC read with Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015. The gravamen of the complaint is that the accused trespassed into the disputed property, abused the complainants in filthy language, issued criminal intimidation, and insulted them on the basis of caste in a public place.

4(ii) At the outset, it is necessary to delineate the scope of criminal investigation in such cases. The Investigating Officer is required to ascertain whether the alleged criminal acts, particularly the ingredients of caste-based abuse in a public place and criminal intimidation, are prima facie made out. The Investigating Officer is not vested with jurisdiction to adjudicate complex questions relating to civil title, ownership, possession, or validity of property transactions, which are matters falling squarely within the domain of competent civil courts.

5(i) Upon a careful perusal of the case diary, it is seen that the Investigating Officer has conducted an enquiry by examining several witnesses, including independent witnesses residing and carrying on business in and around the alleged place of occurrence. The statements recorded under Section 161 Cr.P.C. reveal that these witnesses have consistently and categorically stated that no such incident, as alleged in the complaint, took place on the date, time, and place mentioned.

5(ii) It is further seen that even the witnesses cited by the complainants themselves, who were projected as eyewitnesses to the occurrence, have not supported the prosecution version during the course of investigation. Their statements do not corroborate the allegations of caste-based abuse or criminal intimidation. Thus, there is a complete absence of independent corroboration.

5(iii) This Court also notes that the Investigating Officer has examined the surrounding circumstances, including the status of the disputed property.

The materials collected during investigation disclose that the property stands in the name of third parties, and transactions relating to the property have taken place over a period of time. The complainants have not produced satisfactory documentary evidence before the Investigating Officer to establish their possession or lawful entitlement over the property at the relevant point of time. A significant portion of the grievance of the complainants pertains to alleged fraudulent transactions, impersonation, and disputes regarding title and ownership of the property. Such disputes are inherently civil in nature. It is a well-settled principle of law that civil disputes, particularly those relating to property rights, title, or possession, cannot be given a criminal colour in the absence of clear and specific allegations constituting criminal offences.

5(iv) The Hon'ble Supreme Court has consistently held that criminal proceedings should not be permitted to be used as a tool for settling civil disputes or exerting pressure on the opposite party. Unless there is an element of criminality, such as dishonest intention from the inception or clear acts constituting the offences alleged, the initiation or continuation of criminal proceedings would amount to abuse of process of law.

5(v) In the present case, the materials on record do not disclose the essential ingredients required to constitute the offences alleged under the IPC or the SC/ST (POA) Act. The allegation of caste-based abuse in a public place, which is a sine qua non for attracting the provisions of the SC/ST Act, is not supported by any reliable or independent evidence.

5(iv) This Court further takes note of the contention of the complainants that the investigation was not conducted properly and that there was delay and irregularity in the process. In this regard, it is seen that the matter was also brought to the attention of the authorities, and communications were addressed to the Deputy Superintendent of Police for appropriate action. However, mere allegations of improper investigation, in the absence of material demonstrating perversity or suppression of crucial evidence, cannot be a ground to reject the

final report when the overall materials do not support the prosecution case.

5(vii) On an overall appreciation of the entire materials placed before this Court, this Court is of the considered view that the Investigating Officer has conducted the investigation in a manner consistent with law, and the conclusion that the case falls under the category of “Mistake of Fact” is supported by the evidence collected during investigation.

6(i) Accordingly, this Court concurs with the findings of the Investigating Officer, and the final report is accepted and recorded as “Mistake of Fact.”

It is also well settled that even after acceptance of a final report, the Court has the discretion to treat a protest petition as a private complaint, provided it satisfies the requirements under Sections 200 and 202 Cr.P.C. and discloses sufficient grounds for taking cognizance.

6(ii) In the present case, upon a careful reading of the protest petition, this Court finds that the same is not in proper form, lacks necessary particulars, and does not disclose sufficient material to independently proceed as a private complaint. The averments are largely reiterative of civil disputes and do not establish the essential ingredients of the alleged criminal offences.

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

However, liberty is granted to the complainants to work out their remedies before the competent civil court with respect to their property rights and, if so advised, to file a fresh private complaint in accordance with law.

In the result, the protest petition is dismissed and the final report is accepted as “Mistake of Fact.”

Pronounced by me in open court, this the 09th day of April 2026.

PRINCIPAL SESSIONS JUDGE,
TENKASI.

RCS No.13/2025

in

MP No.1/2025

ORDER

Dated: 09.04.2026