



IN THE COURT OF THE HON'BLE SPECIAL COURT
(PCR ACT & SC/ST POA ACT), TENKASI
PRESENT: THIRU. B.RAJAVEL, B.SC,.B.L.,
Principal Sessions Judge, Tenkasi
Tuesday the 24th day of March 2026

Crl.M.P.No.1952/2025
In
Crl.M.P.No.1483/2025
D.No.4876/2025 dated 20.06.2025
CNR No. TNTS010040932025

The Superintendent of Police, Tenkasi
Vs

... Petitioner

Tr.T. Suresh

... Respondent

This petition is coming on this day for hearing before this court in the presence of and Thiru.S.Marikutti, Special Public Prosecutor for the Petitioner and Thiru.S.Sureshkumar, Advocate for the Respondent and upon hearing both sides, this Court passed the following :

ORDER

This petition has been filed by the Superintendent of Police, Tenkasi District seeking to interfere with the order dated 20.06.2025 passed in Crl.M.P.No.1483 of 2025, whereby this Court directed the Station House Officer, Puliyangudi Police Station, to register a First Information Report based on the complaint of the petitioner.

2. Breif averments of Petition are as follows :-

It is submitted that the complaint was originally forwarded by the Special Court under the SC/ST (POA) Act, Tirunelveli, to the Principal Sessions Court, Tenkasi, and the same was taken on file as CrI.M.P.No.1483/2025. The Hon'ble Court, by proceedings in D.No.4876/2025 dated 20.06.2025, forwarded the complaint under Section 175(3) BNSS for registration of FIR and investigation. It is submitted that under Section 175(3) BNSS, the Court is required to consider the submission/report of the police before ordering investigation. Further, as per Section 175(4) BNSS, in cases involving public servants acting in discharge of official duties, the Court must obtain a report from a superior officer and consider the explanation of the public servant before ordering investigation. In the present case, no such opportunity was given to the respondent police to submit their remarks, thereby causing prejudice. It is submitted that the complaint is against public servants for acts allegedly done in discharge of official duties, and hence the procedure under Section 175(4) BNSS has not been followed. It is further submitted that the petitioner had already submitted a complaint before the Superintendent of Police, which was forwarded for enquiry, and an enquiry report was also prepared on 16.11.2024. The petitioner, suppressing the outcome of the enquiry, has approached this Hon'ble Court, and therefore the present proceedings are not maintainable and devoid of merits.

3. Hence, the forwarding of the complaint for investigation without following the statutory procedure is liable to be recalled. It is therefore prayed that this Hon'ble Court may be pleased to Recall the proceedings in D.No.4876/2025 dated 20.06.2025; and Pass such further orders as this Hon'ble Court may deem fit and proper.

4. The Brief averments of counter are as follows:

The respondent submits that the present petition filed by the Superintendent of Police is not maintainable either in law or on facts and is liable to be dismissed in limine. Under the SC/ST (POA) Act, cases before the Special Court are to be conducted by the Special Public Prosecutor. Hence, the District Public Prosecutor has no authority to file the present petition. This Court had already, by order dated 20.06.2025 in CrI.M.P.No.1483/2025, directed the Station House Officer, Puliyangudi Police Station, to register an FIR. If aggrieved, the petitioner ought to have preferred an appeal before the High Court under Section 14A of the SC/ST Act. Filing the present petition before this Court is without jurisdiction. The petition is filed only to delay the registration of FIR and to protect the accused persons, which is contrary to law. The respondent had earlier approached the police authorities, and only due to inaction, this Court was approached. As per Section 18A of the SC/ST Act, no preliminary enquiry is required. Failure to register FIR amounts to dereliction of duty under Section 4 of the Act. The petition also suffers from procedural defects such as improper signing and defective verification. Despite the Court's order, FIR has not been registered, which amounts to wilful disobedience. Hence, the petition is liable to be dismissed.

5. The respondent has filed a counter along with certain documents. Though the said documents have not been formally marked, this Court has perused and considered the same while deciding this petition.

6. Point for Determination is :-

Whether the present petition filed by the Superintendent of Police before this Court seeking interference with the earlier order dated 20.06.2025 is maintainable in law?

7. Point :-

At the outset, the learned special Public Prosecutor appearing for the State submitted that the present petition has been filed by the Superintendent of Police seeking appropriate clarification/interference with the earlier order passed by this Court. It was submitted that during the course of enquiry it was revealed that several criminal cases have been registered against the said Suresh in different police stations. The cases include Crime No.60/2024 under Sections 147, 148, 294(b), 323 IPC; Crime No.67/2024 under Sections 8(c) r/w 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015; Crime No.99/2024 under Sections 147, 148, 294(b), 427, 307, 506(ii) r/w 149 IPC; Crime No.235/2024 under various provisions of the Bharatiya Nyaya Sanhita, 2023; and Crime No.446/2023 under Section 379 IPC registered at Puliyangudi Police Station.

8. It is further submitted that the petitioner Suresh is the accused in several cases relating to offences such as attempt to murder, theft, unlawful assembly and offences relating to possession and sale of ganja. Considering his continuous involvement in criminal activities, action was also initiated against him under the Tamil Nadu Prevention of Dangerous Activities Act, 1982 (commonly referred to as the Goondas Act) by order of the District Magistrate, Tenkasi in M.H.S. No.28/2024. He was subsequently released from detention following the orders of the Advisory Board at Chennai.

9. The learned Special Public Prosecutor further submitted that whenever criminal cases are registered against the petitioner, he has the tendency to send complaints against the investigating officers alleging false accusations. According to the officers, the petitioner frequently claims that he belongs to a Scheduled Caste and attempts to intimidate officials by threatening to implicate them under special enactments, thereby obstructing them in the lawful discharge of their official duties.

Narcotics. It is also submitted that the petitioner has been involved in several earlier cases under the Narcotic Drugs and Psychotropic Substances Act, 1985 relating to possession and sale of ganja, including Crime No.10/2021, Crime No.206/2021, Crime No.44/2023 and Crime No.30/2022. According to the police authorities, due to the repeated involvement of the petitioner in anti-social activities, he has been kept under police surveillance and a Rowdy History Sheet No.59/2024 has been opened against him at Vasudevanallur Police Station. It was also submitted that the allegations made in the present complaint regarding police assault, illegal seizure of mobile phones and removal of CCTV hard disks are wholly false and baseless. It is specifically denied that any police officer assaulted the petitioner or the said Vanniyaraj as alleged. It was further submitted that in connection with the offence relating to sale of ganja, a case in Crime No.67/2024 was registered on 19.03.2024 and the contraband along with the vehicle used for the offence was seized in accordance with law. The officers have also stated that the allegations in the complaint appear to have been made with the intention of tarnishing the reputation of police officials and to evade lawful investigation and surveillance.

10. It was also pointed out that the petitioner had earlier sent a communication purportedly under the Right to Information Act, 2005, but the communication contained only blank sheets and nevertheless a reply had been issued in accordance with law. The respondent has filed a detailed counter contending that the petition filed by the Superintendent of Police and the District Public Prosecutor is not maintainable. According to the respondent, under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, cases before the Special Court are to be conducted only by the Special Public Prosecutor appointed under the Act. It is further contended that the order dated 20.06.2025 directing registration of FIR could only be challenged before the Hon'ble High Court under Section 14A of the said Act. The respondent also raised objections regarding procedural defects in the petition including defects in signature and verification. It

is seen from the records that in Petition No.1483/2025, Thiru.Suresh is the petitioner. Subsequently, the Superintendent of Police has filed the present petition challenging the order passed in the above petition. However, in the petition filed by the Superintendent of Police, the status of the parties has been incorrectly described and the petitioner and respondent have been interchanged. Taking advantage of this clerical error, the respondent has raised a contention that the court staff committed an offence under the Protection of Civil Rights Act, 1955 and sought registration of FIR against the court employees. This Court finds that the said contention is wholly misconceived and legally untenable. Clerical or procedural mistakes in describing the status of parties cannot amount to criminal offences. If any party is aggrieved by such procedural errors, the proper course is to bring the same to the notice of the Court for rectification. The sweeping allegations made against the ministerial staff of this Court are wholly unwarranted and cannot be appreciated.

11. It is further contended that certain government employees belong to the same caste as the respondent and therefore they have acted with bias. Such arguments are unacceptable. A government servant is expected to discharge duties in accordance with law irrespective of caste considerations. Merely because two individuals belong to the same caste, it cannot be presumed that they acted with bias or ulterior motive.

12. It is also a well settled principle that criminal courts do not have the power to review or recall their own orders unless expressly provided by statute. The Hon'ble Supreme Court in *Adalat Prasad v. Rooplal (2004) 7 SCC 338 and Subramaniam Sethuraman v. State of Maharashtra (2004) 13 SCC 324* has categorically held that criminal courts do not possess review jurisdiction. Therefore, if the order dated 20.06.2025 is aggrieved, the proper remedy available is to approach the Hon'ble High Court under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

13. **In the result, Crl.M.P.No.1952 of 2025 is dismissed.**

The order passed in Crl.M.P.No.1483 of 2025, dated 20.06.2025 directing the Station House Officer, Puliyangudi Police Station to register the First Information Report shall remain in force and shall be complied with in accordance with law.

This order is directly dictated to the Typist and typed by her, corrected and pronounced by me in the Open Court on this 24th Day of March 2026.

PRINCIPAL SESSIONS JUDGE,
TENKASI.

Witnesses examined on the side of petitioners:- **NIL**

Exhibits marked on the side of petitioners:- **NIL**

PRINCIPAL SESSIONS JUDGE,
TENKASI.

PSC, Tenkasi.
Cr.M.P.No.1952/2025
dated 24.03.2026
Order