



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 24<sup>th</sup> day of March 2026

Crl.M.P. No.1953 of 2025  
in  
Crl.M.P. No.1482 of 2025  
D.No.4877/2025 dated 20.06.2025

The Superintendent of Police, Tenkasi District

... Petitioner

Vs

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.1482 of 2025, whereby this Court directed the Station House Officer, Vasudevanallur Police Station, to register a First Information Report based on the complaint of the petitioner.

**2. Petition averments are as follows:-**

The complaint filed by T.Suresh was forwarded by the Special Court, Tirunelveli to the Special Court, Tenkasi and numbered as CrI.M.P.No.1482/2025, and was further forwarded under Section 175(3) BNSS to the Superintendent of Police for registration of FIR and investigation. It is the contention of the petitioner that the direction issued by the Court is contrary to Section 175(3) & (4) BNSS, as the Court ought to have first called for a report from the Police Officer and considered the same before ordering investigation. The complaint is against public servants acting in discharge of official duties, and therefore, as per Section 175(4) BNSS, the Court must. Obtain a report from the superior officer, and Consider the explanation of the concerned officials before directing investigation. In the present case, no such opportunity was given to the police authorities to submit their remarks, and hence the order has caused serious prejudice to the petitioner. It is further submitted that the complaint had already been enquired into by the Deputy Superintendent of Police, and the enquiry report was communicated to the complainant through RTI proceedings. Despite having knowledge of the enquiry outcome, the complainant has suppressed material facts and approached the Court, thereby losing locus standi to seek further action. Therefore, the forwarding of the complaint for registration of FIR without considering the prior enquiry and without following the procedure under Section 175 BNSS is illegal and unsustainable. The petitioner therefore prays that this Hon'ble Court may be pleased to Recall the proceedings in D.No.4877/2025 dated 20.06.2025, and Pass such further orders as deemed fit in the interest of justice.

**3. Counter filed by the Respondent in brief 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. This Hon'ble Court, by order dated 20.06.2025 in CrI.M.P.No.1482/2025, directed the Inspector of Police, Vasudevanallur Police Station to register FIR. Instead of complying, the petitioner has filed the present petition, which is contrary to law. The proper remedy, if aggrieved, was to file an appeal before the Hon'ble High Court under Section 14A of the SC/ST (POA) Act. Filing this petition before the same Court is without jurisdiction. The petition is also procedurally defective, as: It is not properly signed on all pages, Verification is defective, The Public Prosecutor has not signed the entire petition. Hence, it is liable to be rejected. The respondent had earlier submitted complaints to the police authorities. As no FIR was registered, he approached this Hon'ble Court, which rightly passed the order. Under Section 18A of the SC/ST Act, no preliminary enquiry is required, and FIR must be registered immediately. Failure amounts to dereliction of duty under Section 4 of the Act. The petitioner, instead of enforcing the law, has attempted to shield the accused and delay justice, which is impermissible. The allegations made regarding court procedure and staff are misconceived, unwarranted, and legally unsustainable. Any clerical error cannot be treated as a criminal act. The respondent submits that non-registration of FIR despite Court order amounts to wilful disobedience and violation of statutory duty.

4. 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.

### **5. Points for Determination**

Whether the present petition filed by the Superintendent of Police before this Court seeking interference with the earlier order dated 20.06.2025 in CrI.M.P.No.1482 of 2025 (D.No.4877/2025) is maintainable in law?

### **6. Point :-**

This petition has been filed for Directing immediate registration of FIR in compliance with order dated 20.06.2025; Initiate action against concerned officials for de-reliction of duty under Section 4 of the SC/ST Act; Pass such further orders as this Hon'ble Court deems fit. 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 Vasudevanallur Police Station.

7. 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.

8. 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. 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. 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.

9. 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.

10. It is seen from the records that in CrI.M.P.No.1482 of 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 passed in Crl.M.P.No.1482 of 2025 (D.No.4877/2025) 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.1953 of 2025 is dismissed.**

**The order passed in Crl.M.P.No.1482 of 2025 (D.No.4877/2025). dated 20.06.2025 directing the Station House Officer, Vasudevanallur 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 24<sup>th</sup> 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.1953/2025  
dated 24.03.2026  
**Order**