

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
RCS NO.19/2025
in
MP No.1/2026

Jayaraman,
S/o. Sankaran,
1/82, East street, Irumankulam,
Sankarankovil Taluk, Tenkasi District. ... Petitioner / Complainant

Versus

Ganesan,
S/o Kutty Kandian,
Middle Street, Irumankulam,
Sankarankovil Taluk, Tenkasi District. ... Respondent / Accused

The Inspector of Police,
Sankarankovil Taluk PS.
Cr.No.162/2025 ... Respondent /
Investigating Officer

This petition is coming on this day for hearing before me in the presence of Thiru.K.Kasi, 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//

The Final Report averments in brief are as follows:

The complaint in this case was registered on 18.08.2024 at Sankarankovil Taluk Police Station under relevant provisions of BNS and SC/ST (POA) Act. Investigation was conducted by examining the complainant, witnesses, and officials, inspecting the scene of occurrence, and collecting necessary records including caste certificates and statements under BNSS.

During investigation, it is found that the initial dispute between the complainant and Chandran had already been amicably settled through village elders, and the complainant himself expressed that no further action was required. Subsequently alleged incidents were based on hearsay and not on direct personal knowledge of the complainant.

Material witnesses, including Murugan, gave statements contradicting the complaint and admitted absence at the time of occurrence. The complainant's version is inconsistent with earlier statements and lacks corroboration. No independent or reliable evidence is available to substantiate the allegations, particularly the essential ingredients required under the SC/ST (POA) Act.

Hence, it is clear that the occurrence as alleged has not been proved and the complaint is false and exaggerated. There is no sufficient evidence to proceed against the accused.

Therefore, Investigation Officer conclude that the case is a "Mistake of Fact" and submit the Final Report accordingly.

The Objection Petition averments in brief are as follows:

The complainant respectfully submits that he is a resident within the jurisdiction of the concerned Court and belongs to a Scheduled Caste community. The accused belongs to a dominant caste. The complainant is employed in a private company engaged in construction work at Thiruvananthapuram.

On 17.08.2024, the complainant returned to his native place and, on the same day at about 09.00 p.m., was sitting along with his friends near the bridge leading to Paaripatti. At that time, Chandran questioned them and left. On the next day, i.e., 18.08.2024 at about 06.30 a.m., the said Chandran wrongfully restrained and assaulted the complainant with a stick near the Shiva Perumal Temple. Though a complaint was given, it was later compromised at the instance of village elders.

However, on the same day at about 06.45 p.m., the accused came to the complainant's street, abused him in filthy language, and intentionally insulted and humiliated him by uttering his caste name in the presence of others. Due to such public humiliation, the complainant lodged a complaint before Sankarankovil Taluk Police Station, upon which a case was registered under relevant provisions of law including the SC/ST (POA) Act.

It is submitted that the allegations are true and based on actual occurrence. The investigation conducted by the police is improper, biased, and contrary to the available evidence. Material witnesses have not been properly examined, and their statements have been misinterpreted. The conclusion that the case is a "Mistake of Fact" is erroneous and unsustainable.

The complainant has sufficient oral and circumstantial evidence to substantiate the charges against the accused. The police have wrongly deleted the accused from the case on untenable grounds and acted in a manner favouring the accused.

Therefore, it is prayed that this Hon'ble Court may be pleased to reject the Final Report filed by the police and direct further investigation / take cognizance of the offences against the accused in the interest of justice.

The points for determination is whether this Final Report is to be accepted or not?

This petition arises out of the final report filed by the Investigating Officer in Crime No. 162 of 2024 and the protest petition filed by the de facto complainant opposing the same.

The case of the complainant is that on 18.08.2024 at about 06.45 p.m., at Keezhatheru, Irumankulam Village, the accused abused him in a public place by uttering caste-related derogatory words and thereby intentionally insulted and humiliated him. It is further alleged that the accused also used criminal force and intimidation. Based on the complaint, a case was registered under Sections

296(b), 351(2) BNS read with Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act.

Upon completion of investigation, the Investigating Officer has filed a final report classifying the case as “Mistake of Fact,” stating that the occurrence as alleged has not been proved.

It is seen from the records that during the course of investigation, the complainant and material witnesses were examined. However, the statements of the complainant and key witnesses are inconsistent and contradictory. The complainant himself has admitted that the earlier dispute was amicably settled through village elders.

Further, the alleged eyewitness Murugan has not supported the prosecution case and has stated that he was not present at the time of the occurrence. Other witnesses have also not given consistent or reliable evidence to substantiate the allegation of caste-based abuse in a public place.

It is also seen that the complainant’s version is largely based on hearsay, and there is no independent corroborative evidence available on record. The essential ingredients required to attract the provisions of the SC/ST (POA) Act, namely intentional insult in a public view, have not been satisfactorily established.

The Investigating Officer, upon appreciation of the materials, has concluded that the occurrence as alleged has not taken place and that the complaint is false and exaggerated, and accordingly classified the case as “Mistake of Fact.”

The complainant has filed the present protest petition contending that the investigation is biased and that there are sufficient witnesses and materials to prove the case against the accused.

This Court has carefully considered the submissions made in the protest petition and perused the final report and materials available on record.

The point for consideration is whether the final report classifying the case as “Mistake of Fact” requires interference.

At this stage, the Court is required to see whether there are sufficient materials to proceed against the accused. In the present case, the material witnesses have not supported the case of the complainant, and there is no independent evidence to corroborate the allegations.

Mere allegations, without reliable and consistent supporting evidence, are not sufficient to proceed in a criminal case, particularly for offences under the SC/ST (POA) Act which require strict proof of specific ingredients.

This Court finds that there is no material irregularity or illegality in the investigation conducted by the Investigating Officer.

With regard to the prayer for further investigation under Section 173(8) Cr.P.C., it is well settled that such power is to be exercised only when there is clear indication of defective or unfair investigation. In the present case, no such concrete material is placed before this Court to warrant further investigation.

The next issue is whether the protest petition can be treated as a private complaint. The protest petition does not disclose sufficient independent material to proceed as a complaint in accordance with law.

Therefore, this Court is not inclined to accept the contentions raised by the complainant.

Result

The Final Report filed in Crime No. 162 of 2024 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.

However, 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 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, Sankarankovil Taluk Police Station.

PDC, TENKASI

RCS No.19/2025

in

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ORDER

Dated: 21.04.2026