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LPA.Nos.41 & 42 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

LPA.Nos.41 & 42 of 2025
and CMP.Nos.19362, 19360 & 19359 of 2025

LPA.No.41 of 2025

S.Sunil

... Appellant

Vs.

1.Senthamarai

2.The Superintendent of Police
O/o.Superintendent of Police
Villupuram – 605 602

3.The Deputy Superintendent of Police
Kottakuppam Sub-Division
Villupuram District, Theni

4.The Inspector of Police
Vanur Police Station
Villupuram
Respondents

...

LPA.No.42 of 2025

1.The Director General of Police



LPA.Nos.41 & 42 of 2025

Post Box No.601, Dr.Radhakrishnan Salai
Mylapore, Chennai – 600 004

2.The Superintendent of Police
O/o.Superintendent of Police
Villupuram – 605 602

3.The Deputy Superintendent of Police
Kottakuppam Sub-Division
Villupuram District, Theni

4.The Inspector of Police
Vanur Police Station
Villupuram

... Appellants

Vs.

Senthamarai

... Respondent

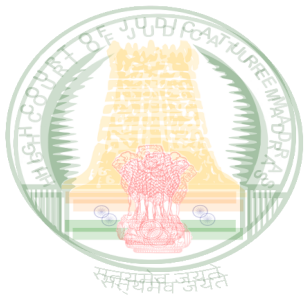
Common Prayer: Letters Patent Appeals filed under Clause 15 of the Letters Patent, to set aside paragraph 12(a) and 12(c) of the order dated 14.07.2025 passed in CrI.O.P.No.18585 of 2025.

LPA.No.41 of 2025

For Appellant	:	Mr.Suhrith Parthasarathy
For Respondents	:	Mr.S.Sathia Chandran for Mr.D.Ashok Kumar for R1 Mr.A.Damodaran for R2 to R4 Additional Public Prosecutor

LPA.No.42 of 2025

For Appellant	:	Mr.A.Damodaran Additional Public Prosecutor
For Respondents	:	Mr.S.Sathia Chandran for Mr.D.Ashok Kumar



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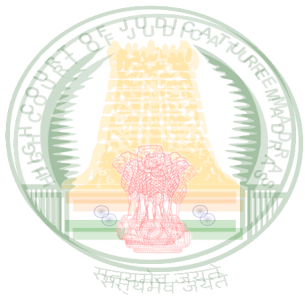
COMMON JUDGMENT

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

These Letters Patent Appeals are directed against the order of the learned Single Judge directing the Director General of Police, Tamil Nadu to place Mr.Sunil, DSP, under suspension and initiate appropriate disciplinary proceedings against him, and thereafter proceed further in accordance with law and also to file an Action Taken Report along with a compliance affidavit before this Court on or before 05.08.2025 vide order dated 14.07.2025 in CrI.O.P.No.18585 of 2025.

2. LPA.No.41 of 2025 has been filed by the then Deputy Superintendent of Police and LPA.No.42 of 2025 has been filed by the police. The respondent in LPA.No.42 of 2025/defacto complainant is the petitioner in CrI.O.P.No.18585 of 2025.

3. A brief prelude of the factual position would be necessary on which the impugned order came to be passed is as follows:-



3.a. The respondent in LPA.No.42 of 2025 has filed a petition in

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CrI.O.P.No.18585 of 2025 under 482 Code of Criminal Procedure seeking for a direction to file final report in respect of the FIR registered in Cr.No.91 of 2024 registered on 24.01.2024 for the offences under Section 147, 447, 294(b), 323, 324, 354-B, 384, 427 and 506(ii) of IPC and Sections 3(1)(a) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The grievance of the respondent in LPA.No.42 of 2025 before the learned Single Judge is that despite complaint was given as early as 2024, no action has been taken. Hence, the petition was filed seeking for a direction to file a final report. At that stage, the learned Government Advocate (CrI.Side) submitted that the complaint was closed after conducting an enquiry and forwarded to the District Collector. The learned Single Judge has rightly observed that the procedure followed by the Deputy Superintendent of Police is not in tune with the CrPC. The learned Single Judge taking note of the fact that the report of the police officer after investigation shall be filed only under Section 173 of CrPC before the Court not before the District Collector. Further, the referred charge sheet is also not served on the defacto complainant, therefore, finding that there was a gross violation of statutory



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mandate committed by the DSP, the learned Single Judge directed the the Director General of Police to suspend the petitioner and for initiation of appropriate disciplinary proceedings and also and also to file an Action Taken Report along with a compliance affidavit before this Court on or before 05.08.2025. Challenging the said directions, the present LPAs have been filed by the then Deputy Superintendent of Police and the police.

4.Mr.Suhrith Parthasarathy, learned counsel for the appellant submitted that prior to the issuance of circular dated 06.02.2025 in Rc.No.B1/2783/SJ&HR/2024 of the Office of the DGP, Tamil Nadu, it was the general practice of the investigation officer that if it was found that no caste-based offence was committed against the complainant and that the complaint was false, final report in the form of closure report will be placed before the District Level Vigilance and Monitoring Committee constituted under Rule 17 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter 'committee') and the appellant has promptly and conscientiously discharged his duties and responsibilities by placing the closure report dated 11.04.2024 on 02.08.2024 before the



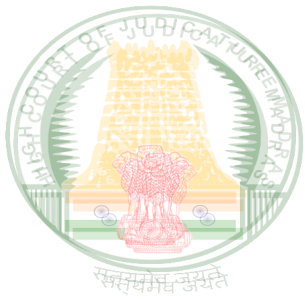
Committee. The appellant being an young officer who conducted the investigation was of the view that since the case is not made whatsoever and the complaint was false stemming from a pre-existing civil dispute over land between the parties, closed the complaint and forwarded the closure report to the committee. It was also submitted by the learned counsel that though such procedure is not proper as per law, such practice is all along in existence in the police department prior to the issuance of circular dated 06.02.2025, therefore, he may not be imposed with such grave punishment by placing him under suspension and also initiating disciplinary proceedings.

5. In support of his submissions, he placed reliance of the following judgments:-

a. *K.S.Duraisami Nadar vs. Sivanupapandia Nadar*, (1944) 57 lw 168 (Mad) (DB)

b. *S.A.L.Narayan Row & anr.V.Ishwarlal Bhagwandas & anr*, (1965) SCC OnLine SC 18

c. *K.Rajamanickam vs. State of Tamil Nadu*, 1991 SCC OnLine Mad 897



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d.State of Punjab v. Davinder Pal Singh Bhullar and others reported in

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e. Ram Kishan Fauji vs. State of Haryana and others (2017) 5 SCC

533

f. C.Muhu vs. K.Thamizh Selvi & anr., 2017 SCC OnLine Mad 37072

g.G.Prabhakaran vs. Superintendent of Police and anr, 2018 SCC

OnLine Mad 14003

h.Director General of Police & others v. Gopal Kumar Agarwal and another, 2020 SCC OnLine Cal 755

i. Jasbir Singh and others v. State of Punjab & ors., reported in (2022)

13 SCC 462

6. The learned counsel for the respondent/defacto complainant submitted that the appeals are not maintainable, since, the learned Single Judge had exercised the powers under 528 of BNSS and rightly held that the procedure contemplated under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Code of Criminal Procedure ha been grossly violated. Therefore, seeks for dismissal of the LPAs. In



support of his submissions, he placed reliance on the following judgments:-

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a. In *Re:S.Govind Swaminathan vs. Unknown* cited in 1955CRILJ505

b. *Ram Kishan Fauji vs. State of Haryana and others* reported in CDJ 2017 SC 299

c. *D.Kumar vs. Raichand Daga and others* reported in CDJ 2020 MHC 2631

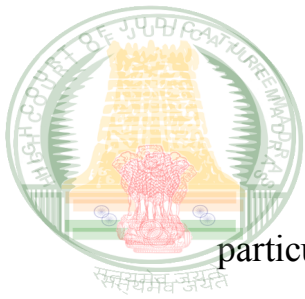
d. *M/s.Kotak Mahindra Bank Limited, rep by its authorised representative P.Thiyagarajan vs. R.Selvaraj and others* reported in CDJ 2024 MHC 1454

e. *K.Natrajan vs. KadekDwi Ani Rasmini & Others* reported in CDJ 2024 MHC 4113

f. *Deepa and others vs. S.Vijayalakshmi and others* reported in CDJ 2025 MHC 738.

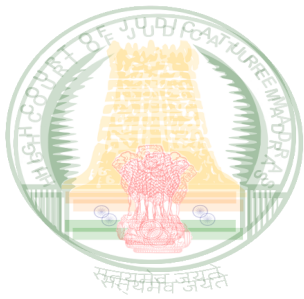
7. Heard both sides and perused the materials placed on record.

8. Of course, when the entire matter dealt under Criminal Side under Section 482 of CrPC/Section 528 of BNSS, any order(s) related only to the



particular matter, absolutely, appeal is not maintainable, but, any observation/directions are in the nature of affecting the civil right of the third party and also interfering with the service jurisprudence. Clause 15 of the Letters Patent confers a right of appeal on a litigant such observation/direction. Thus, we are of the view that Letters Patent Appeal is still maintainable, particularly, when the order(s) are outside the scope of the relief sought in the criminal original petition. Therefore, the contention of the learned counsel for the defacto complainant cannot be countenanced. In this regard, a Co-ordinate Bench of this Court in the case of *Deepa vs. Vijayalakshmi and others* reported in *CDJ 2025 MHC 738* has held as follows:-

“8.We overrule the said objection. Clause 15 of Letters Patent of the High Court of Judicature Madras is to the effect that an appeal shall not lie before the Division Bench from the judgment / order of the single Judge made in exercise of criminal jurisdiction. The expression “criminal jurisdiction” has been defined as one which exists for the punishment of crimes (P.Ramanatha Aiyar-s Advanced Law Lexican). The Hon'ble Supreme Court in the decision reported in (2017) 5 SCC 533 (Ram Kishan Fauji Vs State of Haryana & Others) had held that the conception of criminal jurisdiction is not to be construed in a narrow sense. A criminal proceeding is ordinarily one which if carried to its conclusion may result in the imposition of sentences. For instance, if an order has been passed under Article 226 directing the Police to register an FIR



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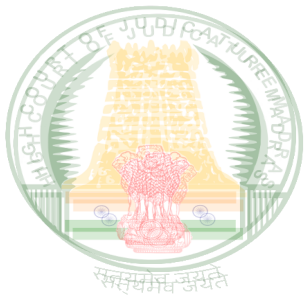
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if any cognizable offence is made out, writ appeal challenging such an order is not maintainable under Clause 15 (KN Pudur Primary Agricultural Coop Credit Society Vs G.Balakrishnan (2018) 2 LW 111).

9.The controversy may have its seed in a criminal proceeding. But genesis and origin cannot be the sole determinant. The nature of proceeding, the relief sought for and the consequences flowing from the order passed by the learned single Judge will answer the issue whether there was exercise of criminal jurisdiction or not. The writ petitioner did not seek bail on the ground that her arrest was illegal. On the other hand, she wanted the concerned police personnel to be departmentally dealt with. She sought compensation. These are matters which do not fall in the realm of criminal jurisdiction. The award of compensation in a proceeding under Article 226 of Constitution of India is a remedy available in public law (Nilabati Behera Vs State of Orissa (1993) 2 SCC 746). We, therefore, hold that the above writ appeals are maintainable.”

9. Superadded, another Co-ordinate Bench of this Court in *C.Muthu vs. K.Thamizh Selvi and others* reported in 2017 SCC OnLine Mad 37072 has held as follows:-

“16. There cannot be any contra opinion with the regard to the above said dictum laid down by the Hon'ble Supreme Court. But, here in this case, pending disposal of the writ petition filed for registration of a complaint, learned Single Judge has passed an interim order directing the District Collector, Pudukkottai District not to allow Mr.C.Muthu, P.A. to the District Collector (Noon Meal Scheme) to retire from service, affecting his civil right. No doubt, the prayer sought for by the first respondent herein in the writ petition would squarely fall within the criminal jurisdiction. But, the interim.



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relief sought for by the first respondent herein in the writ petition and the interim order passed by the learned Single Judge are in the nature of affecting the civil right of the appellant and also interfering with the service jurisprudence. Clause 15 of the Letters Patent confers a right of appeal on a litigant against any judgment passed under any Act unless the same is expressly excluded. For determining the question as regards Clause 15 of the Letters Patent, the Court is required to see as to whether the order sought to be appealed against is a judgment within the meaning thereof or not.

17. At this juncture, this Court is of the view that, it would be appropriate to refer to the decision of the Hon'ble Supreme Court in *Midnapore Peoples Cooperative Bank Ltd., and others Vs. Chunilal Nanda and others* reported in (2006) 5 SCC 399, wherein the Hon'ble Supreme Court has held in paragraph Nos.15 & 16 as follows:

" 15. Interim orders/interlocutory orders passed during the pendency of a case, fall under one or the other of the following categories :

(i) Orders which finally decide a question or issue in controversy in the main case.

(ii) Orders which finally decide an issue which materially and directly affects the final decision in the main case.

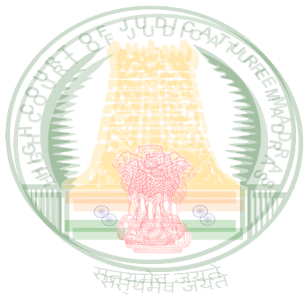
(iii) Orders which finally decide a collateral issue or question which is not the subject matter of the main case.

(iv) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.

(v) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties.

...

22. The main relief sought for by the 1st respondent herein in the writ petition is to register a case. But, exceeding the scope of the main relief, he sought for an interim direction not



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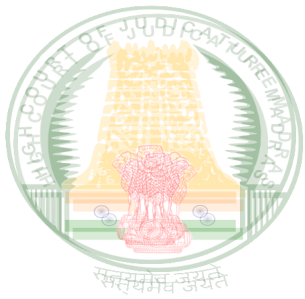


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to allow the appellant / Mr.C.Muthu, P.A. to the District Collector (Noon Meal Scheme) to retire from service and the learned Single Judge has also granted the relief. On this aspect also, the interim order passed by the learned Single Judge cannot be sustained. In this regard, this Court is of the view that it would be appropriate to refer to the decision of the Hon'ble Supreme Court in *Cotton Corporation of India Limited Vs. United Industrial Bank Limited* and others reported in (1983) 4 SCC 625:

"10..... It is indisputable that temporary injunction is granted during the pendency of the proceeding so that while granting final relief the court is not faced with a situation that the relief becomes infructuous or that during the pendency of the proceeding an unfair advantage is not taken by the party in default or against whom temporary injunction is sought. But power to grant temporary injunction was conferred in aid or as auxiliary to the final relief that may be granted. If the final relief cannot be granted in terms as prayed for, temporary relief in the same terms can hardly if ever be granted. In *The State of Orissa v. Madan Gopal Rungta(1)* a Constitution Bench of this Court clearly spelt out the contours within which interim relief can be granted. The Court said that 'an interim relief can be granted only in aid of, and as ancillary to, the main relief which may be available to the party on final determination of his rights in a suit or proceedings. If this be the purpose to achieve which power to grant temporary relief is conferred, it is inconceivable that where the final relief cannot be granted in the terms sought for because the statute bars granting such a relief ipso facto the temporary relief of the same nature cannot be granted."

23. There is no dispute that the High Court has extraordinary jurisdiction under Article 226 of the Constitution of India and inherent jurisdiction under Section 482 Cr.P.C. But, whenever a relief relating to a criminal jurisdiction sought for under Article 226 of the Constitution of India, the Court has to maintain a balance of convenience and see that no order is



passed exceeding the nature of the jurisdiction. Otherwise, the same would lead to miscarriage of justice.

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10. No doubt, on perusal of the entire order, it would indicate that the petitioner has not properly followed the procedure and filed a report before the Court as mandated under Section 173 of CrPC. It is relevant to note that if really the petitioner has totally omitted to follow the procedure contemplated under the SC/ST (PoA) Act, separate remedy is available for the defacto complainant to initiate criminal proceedings by way of a private complaint which has not been done so. The very relief sought in the original petition is to conduct proper investigation and to file final report simplicitor and no other relief is sought for by the defacto complainant, whereas, the learned Single Judge has ordered for suspension of the petitioner and initiation of disciplinary proceedings. It is relevant to note that though the offence is also registered under SC/ST (PoA) Act, separate procedure has been contemplated for conduct of the investigation by a police officer not below the rank of a Deputy Superintendent of Police under Rule 7 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. On careful perusal of the above Rule makes it clear that the investigation officer so



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appointed under sub-rule (1) shall complete the investigation on top priority,

submit the report to the Superintendent of Police, who in turn shall immediately forward the report to the Director General of Police or Commissioner of Police of the State Government and the officer in-charge of the concerned police station shall file the charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days. In clearer terms, the above sub-rule (2) of Rule 7 makes it clear that when the investigation is culminated into charge-sheet or final report, the same is required to be filed before the concerned Court under Section 173 of CrPC and in all the matters, the report alone be filed before the superior officer.

11. Hitherto, the date of circular dated 06.02.2025 practice was in vogue in the Tamil Nadu Police Department that whenever there is a closure of complaint of the SC & ST (PoA) Act, the report will be sent to the District Level Vigilance & Monitoring Committee which has been clearly indicated in the circular of the office of the DGP, Tamil Nadu in Rc.No.B1/2783/SJ&HR/2024 dated 06.02.2025, therefore, when the investigation has culminated into closure report and merely because the



investigating officer had followed the earlier practice of department by

placing the closure report before the Committee constituted as per Rule 17(1)

of the SC/ST (PoA) Rules, 1995 that was in vogue all along, we are of the

view for that a person service career cannot be affected and he may not be

placed under suspension.

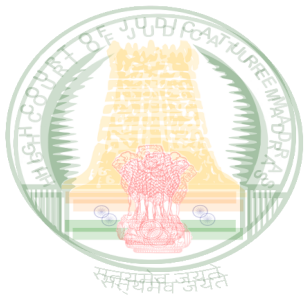
12. It is to be noted that as rightly held by the learned Single Judge, the investigation should be conducted as per the procedures, there is no dispute with that aspect. The moment a cognisable offence is registered by any officer in charge of the police station, may without the order of a magistrate, investigate any cognisable case as per Section 156 of CrPC, 1973/Section 175 of BNSS, 2023. As per Section 157(1)(b) of CrPC/Section 176(1)(b), if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case. Further, as per 157(2)(b) of the Code, the officer shall also forthwith notify to the informant of the fact that he will not investigate the case or cause it to be investigated. Though informing the informant is mandatory, we are of the view that in every case, there should be either positive report or negative



report and at the same time, no doubt, law mandates the filing of the report under Section 173 of CrPC. It should also be noted that when the very closure of the complaint has happened after the investigation under SC & ST (PoA) Act, it was the practice being followed in the Tamil Nadu Police Department to place the matter before the District Level Vigilance & Monitoring Committee prior to the issuance of the circular dated 06.02.2025 and the petitioner has placed the closure report as per the practice being followed by the Tamil Nadu Police Department. Even the circular dated 06.02.2025 of the Office of the DGP, Tamil Nadu would make it clear that in fact, practice of forwarding such closure report to the District Level Vigilance and Monitoring Committee are dispensed with and strict instruction has been given to the officers to file final report in all SC/ST cases before the concerned Courts.

13. Section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 deals with punishment for neglect of duties.

4. Punishment for neglect of duties.—(1) Whoever,



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being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

(2) The duties of public servant referred to in sub-section (1) shall include—

(a) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;

(b) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act;

(c) to furnish a copy of the information so recorded forthwith to the informant;

(d) to record the statement of the victims or witnesses;

(e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;

(f) to correctly prepare, frame and translate any document or electronic record;

(g) to perform any other duty specified in this Act or the rules made thereunder:

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

(3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.

14. Section 4 makes it clear that whoever being a public servant but not being a member of Scheduled Caste or a Scheduled Tribe, wilfully neglects



his duties required to be performed by him under the Act and the Rules made

thereunder, shall be punishable with imprisonment for a term which shall not

be less than six months but which may extend to one year. Though

punishment is stipulated for neglect of duties under Section 4 of the Act, it is

relevant to note that to initiate proceedings under Section 4 of the Act, there

must be an administrative enquiry and recommendation to proceed further as

per proviso to Section 4 of the SC & ST (POA) Act, 1989. Unless there is a

definite recommendation on the administrative side or a positive finding with

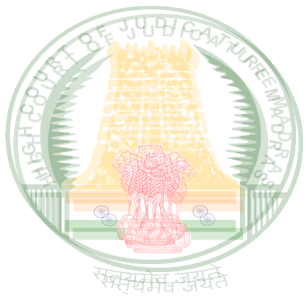
regard to the negligent act under the SC/ST Act, the proceedings cannot be

automatically initiated as a matter of right. In this regard, the Apex Court in

State of GNCT of Delhi and others v. Praveen Kumar alias Prashanth

reported in ***(2024) SCC Online SC 1591***, has held as follows :

“13.3. In other words, to set in motion the penal proceedings including taking cognizance for an offence of commission and omission under section 4(2) of the Act of 1989, the recommendation of the administrative enquiry is a sine qua non. The proviso is an inbuilt safeguard to the public servant from initiation of prosecution by every dissatisfied complainant. On appreciation of offences covered by section 3 and the nature of offences conversely dealt with under section 4 of the Act of 1989, it is noted that a complaint under section 3 presupposes insult, accusation, victimization, etc. of a member of the Scheduled Castes and Scheduled Tribes by a non-Scheduled Caste/Tribe person. However, the commission or omission by a



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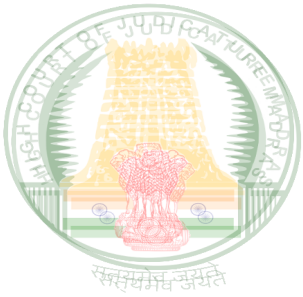


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public servant is rendered as an offence when the public servant contravenes the duties spelt in section 4(2) of the Act of 1989 read with the Rules of 1995 and by a recommendation made to that effect. The test in an enquiry is whether the public servant willfully neglected the duties required to be performed by the public servant under the Act of 1989 or not.”

15. The above judgment would clearly indicate that, to set in motion the penal proceedings or even to take cognizance under Section 4 of the SC/ST Act, the recommendation of the administrative enquiry is a *sine qua non*. Therefore, merely because the Deputy Superintendent of Police has not filed the closure report before the Court as per the procedure and had followed the practice being followed by the Tamil Nadu Police Department all along, it cannot be said that the Deputy Superintendent of Police has committed negligent act under SC & ST (PoA) Act, 1989.

16. Considering the above and for the foregoing reasons, merely because the petitioner has followed the earlier practice which was in vogue in the Tamil Nadu Police Department, we are of the definite view that the direction to place him under suspension is totally not proper and the same is not in the remit of the petition itself, the relief sought for in the petition is only for a proper investigation and filing of final report.



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17. Accordingly, the direction of the learned Single Judge in 12(a) and 12(b) of the order dated 14.07.2025 for the Director General of Police, Tamil Nadu to place Mr.Sunil, DSP, under suspension and initiate appropriate disciplinary proceedings against him, and thereafter proceed further in accordance with law and also to file an Action Taken Report along with a compliance affidavit before this Court are set aside. It is made clear that except that direction, all other directions are to be scrupulously followed by the Director General of Police, Tamil Nadu.

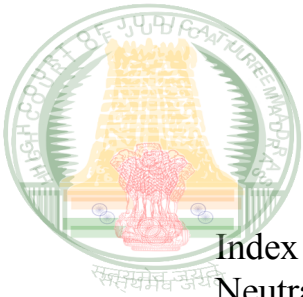
18. In view of the above, these appeals stand allowed. No costs. Consequently, connected miscellaneous petitions stand closed. Now, it is stated that they have already filed a negative report in the case after proper investigation and RCS is also served and the same is also not disputed by the learned counsel for the respondent. It is for the respondent/defacto complainants to take appropriate legal recourse.

(N.S.K., J.) (M.J.R., J.)
26.11.2025

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Index : Yes / No

Neutral Citation : Yes / No

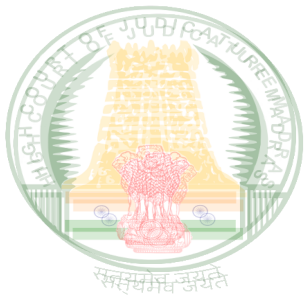
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To

1.The Superintendent of Police
O/o.Superintendent of Police
Villupuram – 605 602

2.The Deputy Superintendent of Police
Kottakuppam Sub-Division
Villupuram District, Theni

3.The Inspector of Police
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