

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.24853 & 24866 of 2025

and

Crl.M.P.Nos.16925, 16926 & 16923 of 2025

Crl.O.P.No.24853 of 2025 :

Lokeshwaran Ravi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Inspector of Police,
Walajabad Police,
Kancheepuram District.
(Crime No.283 of 2025)

2.Parvathy

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to call for the records in *suo motu* order dated 04.09.2025 passed by the learned Special Judge for the Trial of Offences under the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act in Crime No.283 of 2025 and set aside the same as wholly illegal and without jurisdiction.

For Petitioner : Mr.Sharath Chandran
for Mr.R.Harikrishnan

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

Crl.O.P.No.24866 of 2025 :

1.The State represented by
The Superintendent of Police,
Kancheepuram.

2.Deputy Superintendent of Police,
Kancheepuram Sub Division,
Kancheepuram.

3.The Inspector of Police,
Walajabad Police Station,
Kancheepuram.

... Petitioners

Vs.

Parvathi

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita to call for the records and to set aside the *suo*
motu order dated 08.09.2025 passed in Crime No.283 of 2025 by the learned
Principal District and Sessions Court, Kancheepuram.

For Petitioner : Mr.K.M.D.Muhilan
Additional Public Prosecutor

COMMON ORDER

Crl.O.P.No.24853 of 2025 has been filed by one Lokeshwaran Ravi, challenging the *suo motu* order of the learned Principal District and Sessions Judge, Kancheepuram, dated 04.09.2025, in Crime No.283 of 2025 on the file of the Walajabad Police Station, externing him and other accused in Crime No.283 of 2025 under Section 10 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“SC/ST Act” for brevity).

2.Crl.O.P.No.24866 of 2025 has been filed by the State represented by the Superintendent of Police, Deputy Superintendent of Police, and Inspector of Police of Walajabad Police Station, challenging the *suo motu* order of the learned Principal District and Sessions Judge, Kancheepuram, dated 08.09.2025, in Crime No.283 of 2025 on the file of the Walajabad Police Station, ordering remand of Mr.M.Sankar Ganesh, Deputy Superintendent of Police, Kancheepuram, under Section 4 of the SC/ST Act.

3.Both these Criminal Original Petitions are moved today after obtaining leave of this Court, making serious allegations against the learned Principal District and Sessions Judge, Kancheepuram, that the entire orders are a result of personal motive and in order to wreck vengeance against his then Personal Security Officer (PSO), namely Lokeshwaran Ravi, who is the petitioner in Crl.O.P.No.24853 of 2025.

4.Originally there were two complaints filed before the Walajabad Police Station, one by T.Sivakumar, S/o.Kalimuthu and another by Mrs.Parvathi, W/o.Murugan. The crux of the allegations in both the complaints are that there was some altercation between two groups, one group consisting of the then PSO of the learned Principal District and Sessions Judge, namely Lokeshwaran Ravi, his father-in-law and others, and the other group consisting of Parvathi and their family members. It is the allegation that the father-in-law of the PSO owned a Bakery and on 25.07.2025, when the said Parvathi's husband and others came to the Bakery to purchase some Bakery items, there arose some altercation between the two groups, which resulted in filing of complaints by both sides before the

Walajabad Police Station and accordingly, two CSRs, viz., C.S.R.Nos.1121 of 2025 and 1122 of 2025 were registered by the Police on 25.07.2025. On enquiry, since both sides agreed to settle the matter amicably, on the basis of the statements recorded from the parties, both the complaints have been closed on 28.07.2025. Both the CSRs were disposed of on the same day.

5.However, it is the contention of the petitioner in Crl.O.P.No.24853 of 2025 that the learned Principal District and Sessions Judge, under whom he was working, was under the belief that his PSO (petitioner herein) was responsible for sending some anonymous complaint against the Judge repeatedly. Therefore, in order to take action against the PSO, he had contacted the Superintendent of Police to change his PSO. To substantiate such conversation, the WhatsApp messages have also been filed by the State in Crl.O.P.No.24866 of 2025. The learned Judge, on coming to know about the closure of the complaint against his PSO, in order to wreck vengeance, called the concerned Inspector of Police and orally instructed him to register an FIR as against his PSO based on the closed CSRs. It is also alleged by the petitioners herein that the learned Judge threatened the Inspector of Police that, in the event of failure to register the FIR, action will be taken

against the Inspector of Police under Section 4 of the SC/ST Act. Pursuant to such direction, an FIR in Crime No.282 of 2025 came to be registered as against Murugan, Husband of Parvathi for the offences under Sections 296(b), 115(2), 118(1), 351(3) BNS and Section 3(1) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992; and FIR in Crime No.283 of 2025 came to be registered as against the PSO and his family members for the offences under Sections 296(b), 115(2) of BNS, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(2)(va) of the SC/ST Act on 20.08.2025. It is relevant to note that both these FIRs were registered based on the closed CSRs. It is also to be noted that, in the FIR registered against the PSO and his family members, on the basis of the complaint given by Parvathi, an offence under SC/ST Act has also been included.

6. Thereafter, the learned Principal District and Sessions Judge has passed *suo motu* order on 04.09.2025 under Section 10 of the SC/ST Act for externment of the accused persons, including the PSO, his father-in-law and others, in Crime No.283 of 2025. The *suo motu* order dated 04.09.2025 is as follows :

“FIR in crime number 282/2025 on the file of Walajabad Police Station, Kancheepuram has been received by this court on 20.08.2025 at 10.30 hours. Based upon the complaint of the Parvathi W/o. Murugan, Poosivakkam Village the FIR has been registered under Sections 296(b), 115(2), of BNS and Under Section 4 of TamilNadu Prohibition of Harasment of Women Act 2002 and under Section 3(2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)Act.

During the course of the oral enquiry in regard to the Pendency of the said FIR in Crime Number 283 of 2025 it has been revealed that a FIR has been registered in Crime Number 282 of 2025 on 20.08.2025 under sections 296(b), 115(2), 118(1), 351(3) of BNS and under Section 3(1) of TNPPDL Act. Though the FIR in crime No. 283/2025 has been registered on 20.08.2025 at 8.30 hours for the past 15 days the Investigation officer has not filed any status report and progress report and not even filed a Single paper (i.e.) single document subsequent to the date of 20.08.2025 in the said cognizable offence and Serious sessions offence case under the SC/ST (POA) Act. Instead of taking necessary action and filing necessary report it seems that the Investigation officer has taken steps and proceed the case instituted by the one of the accused person in this cognizable offence case. This itself exhibits the malafide intention of the erred Police official. The court police who

appeared before this court by name P. Masilamani has confirmed that the proceedings under the counter case is going on. The Investigation officer (i.e) DSP in this case has not filed any status report it gives an inference to this court and this court is of the view that the accused persons by name Siva @ Sivakumar along with other accused person have committed an offences comes under the purview of Section 3(P) and 3(Q) of the SC/ST (POA) Act. Therefore no other option is available to this court since one of the accused person in the crime number 283 of 2025 is Police personal having close nexus with the District Police higher authorities this court to exercise its jurisdiction under Section 10 of the SC/ST (POA) Act based upon the original complaint. There is satisfactory reasons available to remove the accused persons since definitely they will commit an offence under the chapter II of this Act (i.e) Sections 3(P) and 3(Q) of the said SC/ST(POA) Act since the proceedings is going on only in the counter case. Therefore the accused persons including the police person who has been simply stated in the FIR as “சிலா மருமகன்” - all the above said persons are directed to remove themselves beyond the limits of Kancheepuram District and return to Kancheepuram District after the completion of the Investigation in crime number 283 of 2025 and after filing of the Final Report in the said crime number. Mandatory provisions and the time mandate under the SC/ST(POA) Act to be strictly complied by

the Investigation officer for filing final report. Copy of this order to be communicated to the Superintendent of Police, Kancheepuram and Investigation officer of the case in Crime number 283 of 2025 and the SHO, Walajabad for strict compliance and report and to serve the copy of the order to all the removed persons and to report.”

7. Not stopping with that, the learned Judge has called upon the Deputy Superintendent of Police, Kancheepuram, to enquire about the implementation of the order passed by him. Accordingly, the Deputy Superintendent of Police also appeared before the Principal District and Sessions Judge on 08.09.2025 and it is alleged that the Deputy Superintendent of Police was made to sit from morning to evening. In the evening, suddenly the learned Principal District and Sessions Judge, took cognizance of offence under Section 4 of the SC/ST Act against the Deputy Superintendent of Police and issued another *suo motu* order as against the Deputy Superintendent of Police remanding him to judicial custody till 22.09.2025. It is also alleged in the petition that, based on the warrant, immediately, the Deputy Superintendent of Police was taken to Sub-Jail, Kancheepuram, by the Court staff in the official car of the learned Principal District and Sessions Judge. Hence, it is the contention by the petitioners in

both the petitions that both the orders have been passed by the learned Judge by misusing his power and position as Principal District and Sessions Judge and therefore, both the orders are nothing but clear abuse of process of law with a motive. Hence, the petitioners seek to set aside both the *suo motu* orders dated 04.09.2025 and 08.09.2025 passed by the learned Principal District and Sessions Judge.

8.As far as the externment order passed by the learned Judge on 04.09.2025 under Section 10 of the SC/ST Act is concerned, the learned Principal District and Sessions Judge has exercised *suo motu* powers. According to the learned Judge, the FIR in Crime No.283 of 2025 was registered on 20.08.2025 and no action has been taken so far. Therefore, he has passed the order of externment against one Siva Marumagan and all other accused in Crime No.283 of 2025. It is to be noted that the person known as “Siva Marumagan” in the impugned order is none other than the then PSO who served under the said Judge.

9.Be that as it may. Before passing an order of externment under Section 10 of the SC/ST Act, there must be either a complaint or a Police

report. Only on satisfaction of either the compliant or Police report, the Special Court can pass such externment order. Admittedly, except the FIR received by the Court, no other Police report, whatsoever, has been filed. Be that as it may. Though the Courts have been vested with powers under SC/ST Act for passing orders of externment, this Court is of the view that such externment orders are required only when there is a real atrocity committed on the members of Scheduled Caste/Scheduled Tribes, provided such persons or accused are likely to commit an offence under Chapter-II of the SC/ST Act in any area included in scheduled areas or tribal areas as referred to in Article 244 of Constitution of India or any area identified under the provisions of Sub-Clause (vii) of Clause (2) of Section 21 of SC/ST Act. It is not even verified by the learned Judge as to whether the said area comes under the scheduled area or tribal area or areas identified under Section 21(2)(vii) of the SC/ST Act. Only when the Special Court is satisfied that the offender is likely to commit similar offence and atrocities on the vulnerable sections of society, such order of externment is normally warranted. However, in the given case, on a careful perusal of the very complaints given by both sides, it is clear that there were mere altercations between the parties while purchasing some eatables in the Bakery and

naturally, one side may not even know what is the caste of the other side. Such is the nature of the complaints given by both sides. When the parties themselves have given statements which resulted in closure of the complaints earlier, the allegations raised by the petitioner that the present FIRs came to be filed later pursuant to the oral direction of the learned Principal District Judge, appears to be quite probable, however, the same is not a definite conclusion. Having regard to the nature of the complaints made by either side, its closure based on the statements of the parties earlier, registration of FIRs thereafter, passing of the externment order immediately, this Court is of the view that the order of externment passed against the PSO and other accused under Section 10 of the SC/ST Act in Crime No.283 of 2025 is totally unwarranted.

10.As far as the *suo motu* order passed by the learned Principal District and Sessions Judge on 08.09.2025, taking cognizance under Section 4 of the SC/ST Act and ordering remand of the Deputy Superintendent of Police for not arresting the accused persons in Crime No.283 of 2025, it is relevant to note that arrest is purely the discretion of the Investigating Officer. The Court cannot direct that a particular person should be arrested.

However, in the given case, it is to be noted that the Deputy Superintendent of Police was summoned and he was made as an accused under Section 4(1) of the SC/ST Act and has been ordered to be remanded to judicial custody for not taking action against the accused persons in Crime No.283 of 2025.

11.The manner in which the impugned orders are passed *prima facie* would probabilise the allegations made in the affidavits filed in support of these petitions. Be that as it may. While taking any action or cognizance as against a public servant under Section 4 of the SC/ST Act, 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 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.”

12.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 or other Police officials have not immediately implemented some directions issued by the learned Judge in the name of externment, it cannot be said that the Deputy Superintendent of Police or the other Police officials have committed an offence under Section 4(2) of the SC/ST Act. Considering the said aspect, the *suo motu* order of the learned Principal District and Sessions

Judge, Kancheepuram, remanding the Deputy Superintendent of Police, is also not warranted.

13.In view of the narrative *supra*, **both these Criminal Original Petitions are allowed** and the impugned *suo motu* orders passed by the learned Principal District and Sessions Judge, Kancheepuram, dated 04.09.2025 and 08.09.2025, are set aside. **Mr.M.Sankar Ganesh, Deputy Superintendent of Police, Kancheepuram, is directed to be released forthwith.** Consequently, connected miscellaneous petitions are closed.

14.With regard to the nature of allegations made in these petitions as against the learned Principal District and Sessions Judge, Kancheepuram, particularly with regard to the conversations in WhatsApp between the learned Principal District and Sessions Judge and the Superintendent of Police and the specific allegations with regard to coercion to file an FIR and to take action against the PSO and the transfer action against the PSO and the passing of externment order immediately after filing of FIR and the passing of remand order as against the Deputy Superintendent of Police for implementing the externment order immediately, are to be completely

probed to find out the truth. This Court is of the view that the independent probing is required in this matter.

15.In such view of the matter, the Registrar (Vigilance), High Court, Madras, is directed to conduct an enquiry with regard to the specific allegations made in the affidavits filed in both the Criminal Original Petitions with regard to the motive, bias and misuse of power and conversations between the learned Principal District and Sessions Judge and the Police officials after filing of the complaints dated 25.07.2025 till passing of the last order by the learned Judge. Registry is directed to communicate a copy of this order, along with all the case papers, to the Registrar (Vigilance). The Registrar (Vigilance) shall conduct an enquiry in this regard and file a report before this Court on 23.09.2025 for taking further action.

16.Post the matter for filing enquiry report on 23.09.2025.

09.09.2025

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Note to Registry : Issue order copy today.

Internet : Yes
Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No

To

- 1.The Principal District and Sessions Judge,
Special Court for the Trial of Offences
under the Scheduled Caste/Scheduled Tribes
(Prevention of Atrocities) Act,
Kancheepuram.
- 2.The Registrar General,
High Court, Madras.
- 3.The Registrar (Vigilance),
High Court, Madras.
- 4.The Superintendent of Police,
Kancheepuram.
- 5.The Deputy Superintendent of Police,
Kancheepuram Sub Division,
Kancheepuram.
- 6.The Inspector of Police,
Walajabad Police Station,
Kancheepuram.
- 7.The Superintendent of Prison,
Sub-Jail, Kancheepuram.
- 8.The Public Prosecutor,
High Court, Madras.

Crl.O.P.Nos.24853 & 24866 of 2025

N. SATHISH KUMAR, J.

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09.09.2025