

Non-Reportable

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**Criminal Appeal Nos.....of 2026
(@ SLP (Crl.) Nos.2063-2064 of 2026)**

Jananipriya

...Appellant

Versus

Gandhi & Ors.

Respondents

**Criminal Appeal No.....of 2026
(@ SLP (Crl.) No..... of 2026)
(@Diary No.33258 of 2026)**

ORDER

Delay condoned. Leave granted.

2. The appellants herein were the Deputy Superintendent of Police (Dy. SP) and the Sub-Inspector of Police (SI) who were proceeded with under Section 18A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act). Based on the order of the First Additional District and Sessions Judge (PCR), Tiruchirappalli, Tamil Nadu produced as Annexure A15, an FIR was registered as FIR No.395 dated 18.12.2025 at Police Station

Puthanatham, District Trichy, under Section 4 of the SC/ST Act and under Sections 161A and 167 of the Indian Penal Code, 1860 (IPC).

3. Shorn of the details, the brief facts to be noticed are that the 2nd respondent herein filed a complaint under the SC/ST Act against two persons. The SI conducted a preliminary inquiry and found the case to be false, and the allegation having arisen only to counter a civil dispute. The Dy.SP approved the preliminary inquiry of the SI and no FIR was registered. The complainant approached the Special Court under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.PC) which was forwarded to the Police, which was pending investigation as Crime No.287 of 2021. The petition leading to the instant case, also filed by the complainant, before the Special Court alleged dereliction of duty as coming out from Section 4 of the SC/ST Act. This led to the registration of an FIR on the directions of the Special Court in Criminal M.P No.347 of 2022, which was sought to be quashed before the High Court.

4. We heard Mr. R. Basant, learned Senior Counsel appearing for the DySP and Ms. Arpitha Anna Mathew,

learned Counsel appearing for the SI, who are respectively the appellants in the above appeals.

5. Mr. Basant took us through the decisions in ***Dr. Subhash Kashinath Mahajan v. State of Maharashtra***¹, ***Union of India v. State of Maharashtra***² and ***Prithvi Raj Chauhan v. Union of India & Ors.***³

6. It is the contention of the learned Senior Counsel that though ***Dr. Subhash Kashinath Mahajan***¹ has been reviewed in ***Union of India v. State of Maharashtra***², ***Prithvi Raj Chauhan***³ specifically held that Section 18A has to be read in accordance with the law laid down in ***Lalita Kumari v. Govt. of Uttar Pradesh***⁴.

7. Ms. Haripriya Padmanabhan, learned Additional Advocate General for the respondents would contend that the decisions cited are no more relevant since, before the offence as alleged, of an FIR having not been registered, occurred, Section 4 was incorporated in 2016 and Section 18A in 2018, in the SC/ST Act. Necessarily, an FIR ought to have been registered, especially in a very sensitive matter like the

¹ (2018) 6 SCC 454

² (2020) 4 SCC 761

³ (2020) 4 SCC 727

⁴ (2014) 2 SCC 1

present case where the allegation is of atrocities against a member of the Scheduled Caste. It was also pointed out that though the proviso to Section 4 has been held to be mandatory by a Coordinate Bench of this Court in ***State of GNCT of Delhi v. Praveen Kumar alias Prashanth***⁵, the further directions in paragraph 14.4 would be apposite for consideration in the above case.

8. The learned A.A.G. submitted on instructions, on a specific query put by us that no administrative inquiry was conducted and sought a remand to the Special Court which is authorised to take cognizance of the crime under the SC/ST Act with a direction to seek an administrative inquiry report bringing quietus to the issue and a proper adjudication on the atrocity alleged.

9. We notice that in the present case, the Special Court itself had directed registration of an FIR without an administrative inquiry having been conducted. We also notice that in the present case, by an interim order in the present appeals, there was only a stay of the investigation

⁵ (2024) SCC OnLine SC 1591

which does not preclude the State from carrying out an administrative inquiry.

10. We are of the opinion that at this juncture, there is no requirement to remand the matter to the Special Court for obtaining an administrative inquiry report from the competent authority. The requirement of an administrative inquiry not having been carried out as per the proviso to Section 4, there is no reason why the proceedings should be continued. We hence, quash FIR No.395 of 2025 dated 18.12.2025 registered with the Police Station Puthanatham, District Trichy and all further proceedings and direct that no further proceedings be taken on the same.

11. The appeals are allowed.

12. Pending application(s), if any, shall stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
SEPTEMBER 10, 2026.**