BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 28.08.2025

PRONOUNCED ON : 20.11.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.479 of 2022

and

CRL MP(MD)No.6130 of 2022

1. Suriya
2. Jananipriya

... Petitioner

Vs.

1. Gandhi

....1st Respondent/Petitioner

2. State through
   The Sub Inspector of Police,
   Manapparai Police Station,
   Manapparai,
   Trichy District. ... 2nd Respondent/Respondent

PRAYER: Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order passed in Crl.M.P.No.347 of 2022 dated 10.02.2022 by the learned 1st Additional District and Sessions Judge (PCR) Tiruchirappali and set aside the same.

For 1st Petitioner : No appearance

For 2nd Petitioner : Mr.C.Muthu Saravanan
For 1st Respondent : Mr.B.Sekar

For 2nd Respondent : Mr.S.S. Manoj,
Government Advocate.

ORDER

Prologue:

This Criminal Revision Case calls upon this Court to calibrate the safeguards embedded in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (herein after referred to as "SC/ST Act") as strengthened by Section 18-A against a claim of administrative discretion by police officers who, faced with a complaint disclosing caste-based dispossession from ancestral assignment lands, popularly referred to as "Panchami lands", treated the matter as a mere civil dispute and refrained from registering a First Information Report. The learned Special Judge (PCR), Tiruchirappalli, exercising power under Section 156(3) Cr.P.C., directed registration of FIR against the Sub-Inspector and the Deputy Superintendent of Police for alleged neglect of duty referable to Section 4 of the SC/ST Act and Sections 166-A and 167 IPC. The officers are before this Court invoking revisional jurisdiction.

Gist of the Impugned Order in Crl.M.P. No.347 of 2022:

2. The *defacto* complainant, a member of the Scheduled Caste (Hindu Paraiyan), complained that lands in S.F. Nos. 797/6 (60 cents) and 797/7 (22 cents), assigned on 28.05.1927 to his ancestor Kanjikaraiyan, were illegally occupied by one Adaikala Gounder and his son Annadurai. A civil suit in O.S. No.253/2021 is pending in this regard. A complaint dated 30.11.2021 led to CSR No.457/2021. The Sub-Inspector and the Deputy Superintendent of Police issued summons and conducted an enquiry but declined FIR on the premise that the dispute is civil in nature.

3. The learned Special Court, noting the statutory injunction in Section 18-A of the SC/ST Act against preliminary enquiry and the Rule 7 framework on competent investigation, found the officers' course to be legally impermissible. It, therefore, forwarded the complaint to Puthanatham Police Station to register FIR and to have the investigation conducted by a competent officer other than the present DSP, considering her prior opinion closing the matter as civil.

4. ***Grounds of Revision:***

The petitioners assail the order, in substance, on the following lines:

Mechanical exercise of power under Section 156(3) Cr.P.C., 1973, without application of mind. Non-compliance with the mandates as laid down by the Hon'ble Apex Court in ***Priyankaa Srivastava and another vs. State of Uttar Pradesh***[1], more particularly as to want affidavit, prior resort to Sections 154(1) and 154(3) Cr.P.C., 1973. Absence of *prima facie* case since the complaint is purely civil in nature. Prior sanction under Section 197 Cr.P.C., 1973, was necessary before any direction to register FIR against public servants. Under Section 4(2) of the SC/ST Act, a departmental enquiry/recommendation is a pre-condition to proceed against public servants and in the absence of the same, the impugned order is *per se* illegal. Reliance on an order of this Court in Crl.O.P. No.10031/2021 (30.06.2021), and other authorities, to submit that the impugned order is unsustainable.

Submissions:

5. The learned counsel appearing for the petitioners submitted

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that, the *defacto* complainant is a litigant in O.S. No.253/2021 ,in which the title and incidents of assignment are subject to civil adjudication. Despite issuance of summons on 15.12.2021, 20.12.2021, and 21.12.2021, the complainant did not appear and only thereafter, the Deputy Superintendent of Police closed the matter as civil. A prior Crime No.287/2021 was registered (on the complainant's earlier 156(3) petition) against private parties and the present move targets the officers for "not registering FIR," which is *mala fide*. Sanction under Section 197 Cr.P.C., 1973, is a condition precedent for steps against public servants, at least for the DSP (above Inspector rank). The Hon'ble Apex Court in ***Priyankaa Srivastava and another vs. State of Uttar Pradesh***[2] insists on affidavit by the applicant who seeks invocation of the jurisdiction of the Magistrate under Section 156(3) Cr.P.C., 1973, and prior resort to Sections 154(1) & 154(3) and according to them, the latter was not complied with. Section 4 of SC/ST Act can be triggered only after departmental enquiry and recommendation and hence, a 156(3) direction is premature.

6. Per contra, the learned Government Advocate (Crl. side) appearing for the 2nd respondent submitted that the complaint squarely alleges dispossession of a Scheduled Caste member from ancestral

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assignment lands. Once such averments disclose cognizable offences under the SC/ST Act, Section 18-A mandates registration of FIR without preliminary enquiry. The officers' act of issuing summons and closing the complaint as "civil" circumvented the statutory mandate, amounting to neglect of duty contemplated by Section 4 of the Act. Sanction at the FIR stage is not required. Sanction, if at all applicable, is considered at the stage of cognizance not for mere registration/investigation. The complainant did approach the police (CSR 457/2021), satisfying Section 154(1), hence, failure to act justified recourse to Section 156(3).

7. The learned counsel appearing for the *de-facto* complainant submitted that, the lands are assignment/Panchami lands, intended to be inalienable. Purchase of Panchami lands by non-SC persons and dispossession of heirs attract Sections 3(1)(f), 3(1)(g), 3(1)(p) of the SC/ST Act. The officers' insistence on "civility" to refuse FIR defeats Section 18-A and the Act's remedial object. Their conduct certainly falls within wilful neglect of duty under Section 4. ***Priyankaa Srivastava and another vs. State of Uttar Pradesh***[3] is complied with, since there was a police complaint (CSR), non-registration, and then recourse to Court under Section 156(3) with material particulars. Departmental

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recommendation is not a statutory pre-condition for registration of FIR. It is a matter of service discipline, not a bar to criminal law set in motion.

8. Heard the learned counsels on either sides and carefully perused the materials available on record.

9. ***Points for Consideration:***

(i) Whether the Special Court's direction under Section 156(3) Cr.P.C., 1973, suffers from non-application of mind?

(ii) Whether sanction under Section 197 Cr.P.C., 1973, is a prerequisite to a direction for FIR/Investigation against the petitioners for the alleged neglect of duty?

(iii) Whether Section 18-A of the SC/ST Act and the allegations in the complaint warranted mandatory registration of FIR sans preliminary enquiry?

(iv) Whether prior recourse to Sections 154(1) & 154(3) Cr.P.C., 1973, and the ***Priyankaa Srivastava and another vs. State of Uttar Pradesh[4]'s*** benchmarks were satisfied?

(v) Whether Section 4 and 4(2)) of the SC/ST Act demands a departmental recommendation as a condition precedent for criminal law to be set in motion against public servants?

Analysis:

10. Orders under Section 156(3) must disclose judicial satisfaction that the complaint *prima facie* reveals commission of a cognizable offence, and that police action is warranted. The impugned order discusses (i) the assignment nature of the property, (ii) the complainant's caste status, (iii) the police issuing summons without registering FIR in an SC/ST complaint, (iv) the embargo under Section 18-A, and (v) the competence/role under Rule 7. The reasoning at paras 4.2 to 4.5 of the impugned order shows that the Court addressed the statutory contour and the admitted conduct of the officers. The order is not a perfunctory one-liner. It meets the application-of-mind standard

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for a 156(3) direction.

11. Post-amendment, Section 18-A expressly provides that no preliminary enquiry shall be required for registration of an FIR when information discloses an offence under the SC/ST Act. The complaint alleges wrongful occupation/dispossession of assignment lands belonging to an SC family, allegations that, on their face, attract Sections 3(1)(f), 3(1)(g) and potentially 3(1)(p). In such a statutory setting, the officers could not supplant registration by a roving "civil-dispute" enquiry. Whether the land is indeed "Panchami/assignment land," whether an alienation is void, and what reliefs follow are matters for investigation and, where necessary, civil adjudication. They do not dilute the duty to register FIR once the complaint *ex facie* discloses cognizable offences under the SC/ST Act.

12. The pendency of O.S. No.253/2021 neither immunizes conduct constituting offences under the SC/ST Act nor authorizes the police to decline FIR. Criminal law and civil remedies can co-exist if the factual matrix supports both. The civil veneer of a title/injunction suit cannot be employed to deflect the statutory command in a special penal

law enacted to protect members of Scheduled Castes from dispossession and social-economic exclusion.

13. Sanction protects bona fide official acts at the stage of cognizance. A direction to register an FIR and investigate does not amount to taking cognizance of the offence against the public servant. Moreover, neglect of statutory duty under a special protective statute is not an integral act in discharge of official duty so as to cloak the alleged inaction with Section 197 Cr.P.C., 1973, immunity at the pre-investigation stage. Consequently, the absence of sanction does not invalidate the direction under Section 156(3) Cr.P.C., 1973.

14. Section 4 criminalizes wilful neglect of duties by public servants under the SC/ST Act. The statute does not prescribe an administrative/departmental recommendation as a pre-condition for registration of FIR or investigation. Departmental measures may proceed in parallel, since they are not jurisdictional fetters upon criminal law. The petitioners' argument that an enquiry/recommendation is a *sine qua non* is misplaced.

15. The record shows (i) a prior police approach and CSR No. 457/2021 (satisfying Section 154(1)), (ii) failure to register FIR in an SC/ST complaint, and (iii) recourse to the Court with materials. The learned Special Judge considered the averments and citations and recorded reasons. The ***Priyankaa Srivastava and another vs. State of Uttar Pradesh***[5]'s purpose deterring casual invocation of Section 156(3) Cr.P.C., 1973, stands served, it does not authorize dismissal of a complaint that facially attracts a special penal law with a mandatory FIR regime.

16. The Special Court has appropriately insulated the investigation by directing assignment to a competent officer other than the present DSP, who had pre-judged the matter as civil. This protects both fairness and perception of impartiality without causing prejudice to the petitioners.

17. In the given facts of this case, I am of the considered view that, the complaint discloses cognizable offences under the SC/ST Act relating to alleged dispossession/encroachment of assignment lands. Section 18-A of SC ST Act, barred the very course adopted by the

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petitioners, that is , the pre-registration enquiry and closure as civil. The Special Court's order reflects application of mind, meets ***Priyankaa Srivastava and another vs. State of Uttar Pradesh***[6] thresholds, and is legally correct in directing registration of FIR and in insulating investigation from prior opinionated actors.

18. Section 197 Cr.P.C., 1973, sanction is not a prerequisite for a direction under Section 156(3) Cr.P.C., 1973. Any sanction issue, if attracted, is examined at cognizance stage. Section 4 / 4(2) of SC ST Act, does not impose a departmental-recommendation as a precondition to FIR. No perversity, illegality, or material irregularity warranting revisional interference is made out.

19. Hence, the impugned order dated 10.02.2022 in Crl.M.P. No. 347 of 2022 passed by the 1st Additional District and Sessions Judge (PCR) Tiruchirappali, is affirmed. If FIR pursuant to the impugned order is not yet registered, the jurisdictional police shall register FIR forthwith on the *defacto* complainant's complaint and report compliance to the Special Court. Investigation shall be conducted by a competent officer as per the SC/ST (POA) Rules, 1995, other than the present DSP who

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previously opined on the complaint, and shall be completed expeditiously, preferably within eight (8) weeks from the date of receipt of this order.

20. It is clarified that this Court has not expressed any opinion on the ultimate merits *inter se* the private parties regarding title/possession; the civil suit shall be decided independently on its own evidence and merits and in accordance with law.

21. ***Epilogue:***

The SC/ST Act is a remedial statute with a prophylactic design. When a complaint from a member of a Scheduled Caste alleges dispossession from ancestral assignment lands, the law does not permit public authorities to filter the grievance through a civil-dispute prism at the threshold. The mandate is to register, investigate, and then decide not to screen out by an informal enquiry. The learned Special Judge's order restores that statutory discipline. Therefore, invoking revisional jurisdiction is unwarranted.

22. In the result, the Crl.R.C.(MD) No.479 of 2022 is dismissed. Consequently, connected miscellaneous petition is closed.

20.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The 1st Additional District and
Sessiobs Judge (PCR) Tiruchirappali.

2.The Sub Inspector of Police,
Manapparai Police Station,
Manapparai, Trichy District.

L.VICTORIA GOWRI, J.,

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