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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06-10-2026

CORAM

THE HON'BLE MR.JUSTICE S.KARTHIKEYAN

CRL MP(MD) No. 14690 of 2026

CNR:{HCMD010904952026}



Case QR

in CRL A(MD) SR NO. 36222 OF 2026

and

CRL MP(MD) No. 14691 of 2026

{HCMD010904972026}



Case QR

in CRL A(MD) SR NO. 36223 OF 2026

1.CrI.M.P(MD)No.14690 of 2026:

C.Kanmani
Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.

..Petitioner(s)

Vs

1. The State of Tamilnadu, Rep. by The Home Secretary,
Chief Secretary,
Chennai.
2. The Superintendent of Police,
Tenkasi District,
Tenkasi.
3. T.Suresh
S/o.Thangapandi,
11A,
Dr.Ambedkar 6th Street Chinthamani,
Puliyangudi,
Tenkasi District.

..Respondent(s)



..Respondent(s)

2.Crl.M.P(MD)No.14691 of 2026:

C.Kanmani
Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.

..Petitioner(s)

Vs

1. The State of Tamilnadu, Rep. by The Home Secretary
Chief Secretary,
Chennai.
2. The Superintendent of Police,
Tenkasi District,
Tenkasi.
3. T.Suresh
S/o.Thangapandi,
11A,
Dr.Ambedkar 6th Street Chinthamani,
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Tenkasi District.

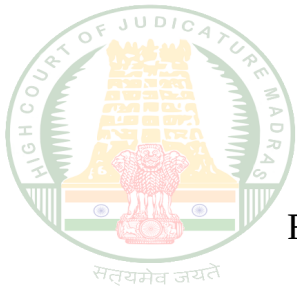
..Respondent(s)

CRL MP(MD) No. 14690 of 2026

PRAYER: To condone the delay of 317 days in filing the above Criminal Appeal as against Cr.MP.No.1482 of 2025 by its order dated 20.06.2025 on the file of the Learned Principal District Judge (PCR), Tenkasi District till the disposal of the Criminal Appeal.

CRL MP(MD) No. 14691 of 2026

To condone the delay of 317 days in filing the above Criminal Appeal as against Cr.MP.No.1483 of 2025 by its order dated 20.06.2025 on the file of the Learned Principal District Judge (PCR), Tenkasi District till the disposal of the Criminal Appeal.



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In both Crl.M.Ps'

For Petitioner(s):

Mr.K. Prabhu

For Respondent(s):

Mr.A.Robinson (R1 & R2)

Government Advocate (Crl. Side)

Mr.R.Karunanithi (R3)

COMMON ORDER

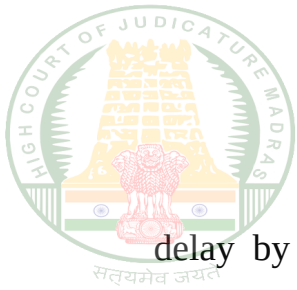
The present applications have been filed by the proposed accused challenging the orders directing an investigation passed by the learned Principal District Judge (PCR), Tenkasi, in Crl.M.P.Nos.1482 and 1483 of 2025, dated 20.06.2025.

2.Originally, the present appeals were filed under Section 482 of the Cr.P.C., challenging the order passed by the learned Principal District Judge (PCR), Tenkasi. However, as per Section 14-A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "the Act"), as amended, an appeal shall lie from any judgment, sentence, or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court to the High Court, both on facts and on law. Therefore, the Registry insisted that the petitions filed under Section 482 of the Cr.P.C. be converted into appeals under Section 14-A(1) of the Act. Accordingly, the same were converted into appeals and presented before this Court.



3.The present appeals have been filed challenging the orders passed in Crl.M.P.Nos.1482 and 1483 of 2025, dated 20.06.2025, directing the Station House Officer, Puliyangudi, to register the First Information Report and to register the case with reference to the allegations levelled in the complaint dated 24.10.2024, as well as the subsequent order passed by the learned Principal District Judge, Tenkasi, declining to modify the orders passed in Crl.M.P.Nos.1953 and 1952 of 2025 in Crl.M.P.Nos.1482 and 1483 of 2025, dated 24.03.2026.

4.On perusal of the records, it is found that the defacto complainant/third respondent approached the Special Court under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Tirunelveli, seeking a direction to the first respondent therein to register the First Information Report and a further direction to the second respondent therein to appoint an Investigating Officer to conduct an investigation as required under Section 7(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. Insofar as the impugned orders are concerned, it is found that the Special Court under the SC/ST Act directed the Station House Officer, Puliyangudi, to register the First Information Report. The petitioner/appellant herein is shown as an accused in the said complaint. However, the present appeals have been filed with a delay of 317 days.



5. When the applications were moved for condonation of the said delay by the petitioner/appellant, this Court raised the question of the very maintainability of the appeals, as they had been filed by the accused challenging the order directing investigation. Insofar as an order directing investigation by the police is concerned, the accused cannot be considered an aggrieved party. The law is well settled that, at the pre-cognizance stage, the accused has no right of audience. Therefore, the petitioner/appellant has no locus standi to challenge the order passed by the Special Court under the SC/ST Act.

6. It is also well settled that the First Information Report need not be an encyclopedia containing all the minute details of the offence. Further, it need not be treated as gospel truth. The First Information Report has to be thoroughly investigated, and the investigating agency has to collect materials to find out whether an offence has been made out and, if so, by whom. Therefore, if no offence is made out, the investigating agency can also close the case by filing a negative report. It is trite that, at the stage of investigation, there shall be no interference, and the investigating agency must be given a free hand to investigate the offence. By directing an investigation, nothing has been finally decided by the Special Court against the prospective accused. Therefore, it cannot be said that the prospective accused is an aggrieved party for the purpose of maintaining an appeal under Section 14-A(1) of the Act.

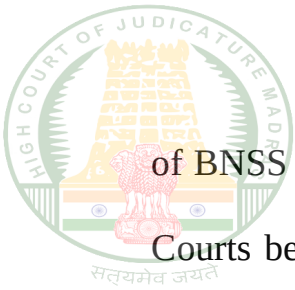


7.The said question was also raised before the High Court of Allahabad in the case of ***Kamlesh Meena and two others v. State of Uttar***

Pradesh and two others, reported in ***2025 AHC 123424***, wherein the Allahabad High Court, relying upon the Full Bench decision of the Allahabad High Court in ***Father Thomas v. State of Uttar Pradesh and another***, reported in ***2011 (1) ADJ 333 (FB)***, and the decision of the Hon'ble Apex Court in ***Om Prakash Ambadkar v. State of Maharashtra and others***, rendered in ***Crl.A.No.352 of 2020, dated 16.01.2025***, held that the prospective accused have no locus standi to assail the direction for investigation under Section 173(4) read with Section 175(3) of the BNSS before the summoning/cognizance stage. There is neither any abuse of the process of the Court nor any ground made out for passing an order to interfere with the complaint under Section 173(4) of the BNSS for securing the ends of justice, in exercise of the inherent jurisdiction of the High Court under Section 528 of the BNSS. This Court is also in full agreement with the said view expressed by the Allahabad High Court.

8.Therefore, this Court is of the considered view that the present appeals are not maintainable and that there is no necessity arose to condone the said delay.

9.However, the learned counsel for the petitioner/appellant submitted that this Court has the power under Section 482 of the Cr.P.C., / 528



of BNSS which is supervisory in nature, to set right the error committed by the Courts below and that such power can also be exercised suo motu. Therefore,

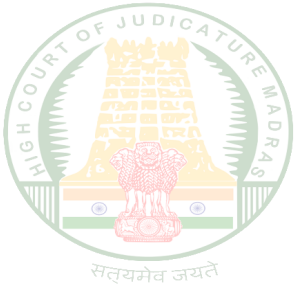
the learned counsel for the petitioner/appellant prayed that these appeals may be treated as petitions under Section 482 of the Cr.P.C / 528 of BNSS. Alternatively, the learned counsel for the petitioner/appellant sought liberty to challenge the impugned orders by filing appropriate proceedings before this Court. The learned counsel for the petitioner/appellant relied upon certain decisions in support of his submissions.

10.In the grounds of appeal, it is alleged that the trial Court has failed to follow certain mandatory procedures before directing an investigation. The learned counsel has placed reliance on certain decisions in support of his contention. Therefore, this Court is of the considered view that the petitioner/appellant, being a proposed accused, though not being an aggrieved party, may be given liberty to challenge the same by filing appropriate proceedings before the appropriate forum.

11.Accordingly, these petitions are dismissed.

06-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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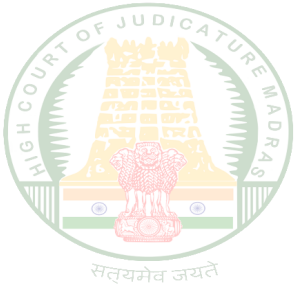
To

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Tenkasi.

2.The Home Secretary, Chief Secretary,
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3.The Superintendent of Police,
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S.KARTHIKEYAN J.
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