
(2025) 10 MAD CK 1342

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 14836 Of 2025, Criminal
Miscellaneous Petition (MD) No. 12062, 13973 Of 2025

Asit Kumar Barma

APPELLANT

Vs

State Of Tamil Nadu And Others

RESPONDENT

Date of Decision : 24-10-2025

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section
3(1)(r), 3(1)(u), 3(1)(zc)

Citation : (2025) 10 MAD CK 1342

Hon'ble Judges : Sunder Mohan, J

Bench : Single Bench

Advocate : P.H.Aravindh Pandian, Vikram Veerasamy, K.Sanjai Gandhi,
Murugesh Ramaiah

Final Decision : Allowed

Judgement

Sunder Mohan, J

1. This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.159 of 2025 dated 24.08.2025 on the file of the second respondent police, registered against the petitioner for the offences punishable under Sections 3(1)(r), 3(1)(u), and 3(1)(zc) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The allegation in the FIR is that the third respondent was appointed as an Assistant Professor on 16.04.2021 in the Bharathidasan Institute of Management; that the petitioner, who is now working as the Director of the said Institute, had conducted himself in a high-handed manner, asserting his superiority in caste by openly proclaiming that he belongs to the Kshatriya community; that the petitioner, knowing fully that the third respondent belongs to the Scheduled Caste community, had an inherent bias and hatred towards the third respondent; that the petitioner used every opportunity to discriminate, humiliate, and insult the third respondent on account of his caste; that during

the two years of the third respondent's service at the Bharathidasan Institute of Management, the petitioner, in collusion with other professors, had systematically harassed and humiliated him; that on a particular occasion in December 2021, the petitioner ridiculed the third respondent, despite the latter having secured an excellent official student course feedback score of 7.96/10, and stated that he would ensure that the third respondent would not secure such a high score in future; that thereafter, the petitioner continuously gave negative feedback about the third respondent; that the third respondent was allotted only left-over elective subjects and was not assigned any core subjects; that the harassment continued even thereafter; that on 07.07.2023, the petitioner terminated the services of the third respondent without issuing any show cause notice or conducting any enquiry, only due to caste prejudice; that the third respondent challenged the said order of termination before this Court in W.P. (MD) No.19133 of 2023, and this Court, by order dated 09.08.2023, set aside the order of termination; that the petitioner and the institution preferred W.A. (MD) No.2107 of 2023, and the Hon'ble Division Bench of this Court, by order dated 04.08.2025, confirmed the order of the learned Single Judge in the writ petition; that the petitioner, however, refused to implement the said order and, with an intention to insult the third respondent, stated that he would file an appeal before the Hon'ble Supreme Court and that the third respondent may file a contempt petition if he so desired; and thereby, the petitioner is stated to have committed the aforesaid offence.

3. The learned Senior Counsel for the petitioner would submit that the impugned prosecution is an abuse of process of law; that none of the allegations would constitute the alleged offences; that this Court, while quashing the order terminating the petitioner from service, had observed that the allegation of the third respondent that he was terminated on account of caste bias was an afterthought; that even in the writ appeal, the Division Bench of this Court did not disturb the said finding; that though the order of the learned Single Judge was confirmed by the Division Bench, both the learned Single Judge as well as the Division Bench had found that the allegation of caste discrimination was without any basis; that the third respondent had also lodged a complaint before the National Commission for Scheduled Castes; that the said Commission had forwarded the complaint to the Superintendent of Police; that the Superintendent of Police, in his report dated 22.07.2024, had stated that the allegation of caste discrimination was without any basis; and that the impugned prosecution is nothing but an abuse of process of law, and therefore, the impugned FIR is liable to be quashed.

4. The learned Government Advocate (Criminal Side) appearing for the first and second respondents would submit that the allegations constitute the offence mentioned in the FIR; that the investigation cannot be curtailed at this stage; and that only the investigation would reveal whether the allegations are substantiated, and therefore, he sought for dismissal of this petition.

5. The learned counsel for the third respondent would submit that though the learned Single Judge had observed that the allegations of caste discrimination were an afterthought, the petitioner has been proceeding against the third respondent and is guilty of caste discrimination; that the Division Bench of this Court had only referred to the observations of the learned Single Judge and had not endorsed the said view; that the Division Bench had further remarked that the Management should be more sensitive while assessing the performance of persons belonging to the oppressed sections of society; that the Superintendent of Police, who conducted the enquiry pursuant to the directions of the National Commission for Scheduled Castes, had not conducted a proper enquiry and that the result of the said enquiry was not made known to the third respondent; that, therefore, the third respondent had filed a rejoinder to the report of the Superintendent of Police before the National Commission for Scheduled Castes; that the said Commission has now directed the Superintendent of Police to furnish para-wise comments or facts on the points raised by the third respondent in his rejoinder; and that, in view of the same, the report of the Superintendent of Police cannot be relied upon for quashing the FIR, and hence, he sought for dismissal of this petition.

6. As stated earlier, the impugned FIR alleges that the petitioner had committed various acts and humiliated the third respondent on account of his caste. This Court, at this stage, would certainly not go into the correctness or otherwise of the allegations. However, it is seen that the learned Single Judge of this Court, while disposing of the writ petition in W.P.(MD) No.19133 of 2023 filed by the third respondent, had observed that the allegations made by the third respondent with regard to caste discrimination were an afterthought and set aside the dismissal of the third respondent. The Division Bench of this Court confirmed the order of the learned Single Judge in setting aside the dismissal of the third respondent and did not disturb the finding of the learned Single Judge that the third respondent was discriminated on account of his caste. The Division Bench had only stated that the Management should be more sensitive while evaluating the performance of persons belonging to the oppressed sections of society.

7. Be that as it may, it is seen that on the complaint given by the third respondent making the very same allegation, the National Commission for Scheduled Castes had directed the Superintendent of Police to enquire and file a report. The Superintendent of Police, who conducted the enquiry on the directions of the National Commission for Scheduled Castes on the complaint filed by the third respondent before it, had observed in his report dated 22.07.2024 that the allegation of caste discrimination was without any basis. According to the third respondent, he had filed a rejoinder to the said report before the National Commission for Scheduled Castes. Therefore, admittedly, the enquiry is still pending before the said Commission. The impugned FIR contains the very same allegations which have been made before the National Commission for Scheduled Castes. The registration of the impugned FIR on the

very same allegations which have been found to be false by the Superintendent of Police cannot be sustained. Hence, this Court is inclined to quash the impugned FIR, as the petitioner cannot be prosecuted by the first respondent when the Superintendent of Police has filed a contrary report.

8. However, considering the fact that the Superintendent of Police has been directed to send a reply to the National Commission for Scheduled Castes, he shall forthwith send the same, if not already sent, in response to the rejoinder filed by the third respondent. It is needless to state that any further prosecution would be subject to the result of the enquiry conducted by the National Commission for Scheduled Castes.

9. With the above observations, this Criminal Original Petition is allowed and the impugned FIR is quashed. Consequently, the connected Miscellaneous Petitions are closed.