

(2010) 03 MAD CK 0152
In the Madras High Court
Case No : Criminal O.P. No. 1555 of 2007

S. Velmurugan

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 22-03-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 294, 324, 506
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 —
Rule 12, 7(1)

Citation : (2010) 03 MAD CK 0152

Hon'ble Judges : C.T. Selvam, J

Bench : Single Bench

Advocate : P. Rathinam, for the Appellant; J.C. Durairaj, Government Advocate (Crl. Side), for the Respondent

Judgement

C.T. Selvam, J.—The petitioner, by way of the present petition seeks the following relief:

the respondents 4, 5 and 6 to register a case on the basis of the petitioner's complaint dated 14.01.2007; further direct the respondent 2 to appoint a competent Deputy Superintendent of Police in the light of Rule 7(1) of the SC & ST (Prevention of Atrocities) Rules 1995 to investigate the complaint of the petitioner in accordance with law; direct the respondents to pay to the petitioner and his father a fair and just amount as compensation for the atrocity committed on them on 14.01.2007; direct the respondent 2 to take necessary steps to induct required number of police personnel known with independent, straight forward and free from communal prejudices to generate confidence in the minds of the members of the Scheduled Castes and to take appropriate actions in accordance with law whenever the complaints from the members of the Scheduled Castes are made to the police station; and the respondents 3 and 4 to make personal visit to the victims of atrocities at their native place in the light of Rule 12 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

The basic complaint of the petitioner informs of Police atrocities committed against him on the night of 12.01.2007. According to the petitioner, the Police had come in search of his brother and had beaten him and taken him away to the Police Station where he was subjected to further indignities and harm.

2. I have heard the submissions made on either side and perused the materials available on record.

3. It is admitted by either side that the brother of this petitioner, who belonged to a Schedule Caste community and his wife, who belonged to a backward class community were put to death. While the petitioner informs of CBI enquiry having been ordered in such matter by this Court and of police atrocities of ill-treatment and harm allegedly suffered by him and his family, the respondent's status report reveals that the CBI had conducted an enquiry in such case and that the petitioner's maternal uncle stands accused therein. The respondent further states that the respondent police had gone to the residence of the petitioner towards apprehending one Palani, brother of the petitioner in Crime No. 8 of 2007 on the file of the respondent for offences under Sections 294, 324 and 506(ii) IPC and that the petitioner and his father had managed to get his brother to flee. The respondent also alleges that the Police party was wrongfully restrained from discharging their official duty. According to the respondent, the present complaint, registration of which is sought, is a false one. It is to be mentioned that a reading of the status report filed by the respondent shows that it contains certain allegations of facts which can only be informed after conduct of investigation and not in the manner presently done.

4. This Court is of the considered opinion that the allegations in the complaint dated 13.01.2007, if true, would make out commission of cognizable offences. While so, it would be the duty of the Police to register a case and investigate thereupon in accordance with law. However, it is not possible for this Court at this stage to arrive at a conclusion that what is stated in the complaint is true, that offences which would attract punishment would fall under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act or, for that matter, if compensation would be payable to the petitioner under such act.

5. For the above reason, this Court directs the sixth respondent to register a case based on the complaint of the petitioner. As allegations of police atrocities are made, this Court finds it appropriate and directs the investigation in the case to be conducted by the fifth respondent.