



WEB COPY



CRL OP No. 7971 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No.7971 of 2026

Gowthami

..Petitioner(s)

Vs

1. The State Rep. by
the Additional Deputy Commissioner/
Investigation Officer,
Prevention of Crime against Women and
Children, Vepery, Chennai.

2. The State Rep. By,
The Inspector of Police,
AWPS-Thirumangalam Police Station,
Anna Nagar, Chennai District.
(Crime No.12 of 2020)

..Respondent(s)

PRAYER: The criminal original petition filed under Section 528 BNSS, 2023 to direct the 1st respondent to complete the investigation expeditiously and file charge sheet in the case registered with Crime No.12 of 2020 pending on the file of the Thirumangalam Police Station within stipulated time as may be fixed by this Court.



CRL OP No. 7971 of 2026

WEB COPY

For Petitioner(s):

Ms.A.Akshaya

For Respondent(s):

Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor
assisted by Ms.Harshana

ORDER

The Criminal Original Petition has been filed seeking a direction to the respondent police to complete the investigation expeditiously and to file a final report/charge sheet in Crime No.12 of 2020, pending on the file of the Thirumangalam Police Station, within a time frame to be fixed by this Court.

2.Learned counsel for the petitioner submitted that based on the petitioner's complaint against the four accused, a case in Crime No.12 of 2020 registered on 03.08.2020 for offences under Sections 323, 417, 376, and 506(ii) IPC, read with Sections 3(1)(r), 3(1)(w)(i), 3(1)(z), and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989. It is further alleged by the petitioner that the Investigating Officer, with malafide intention, altered the FIR in the year 2020 by deleting the provisions of the SC/ST Act. The petitioner contends that, till date, the investigation not completed. Aggrieved by the inaction and alleged improper investigation, the present petition is filed.



3.The learned Additional Public Prosecutor filed a status report, the relevant portion of which is extracted hereunder:

“3..It is submitted that based on the above complaint, a case was registered in Thirumangalam AWPS, Cr.No.12 of 2020, under Sections 323, 417, 376,506(ii) IPC r/w 3(1)(r), 3(1)(w)(i), 3(1)(z) and 3(2)(i) of SC/ST (POA) Act, 1989 against A1 to A4 on 03.08.2020 at about 12.30 hours by Tmt.Janaki, the then Sub Inspector of Police and submitted the same before Tmt.Mehalina, the then Additional Deputy Commissioner of Police for investigation.

4. It is submitted that after took up the investigation, the then Additional Deputy Commissioner of Police have visited the scene of occurrence, prepared observation Mahazar, drew the rough sketch in the presence of witnesses and examined the defacto complainant and other witnesses and recorded their statements.

5. It is submitted that on 07.08.2020, the then Additional Deputy Commissioner of Police have sent 41(A) Cr.P.C. summon to A1 for enquiry. Hence, A1 has appeared for enquiry.

6. It is submitted that based on the witnesses statements and legal opinion of Special Public Prosecutor for SC/ST, City Civil Court Building, High Court, on 29.09.2020, the then Additional Deputy Commissioner of Police has



WEB COPY



CRL OP No. 7971 of 2026

removed the name of accused persons A2 to A4 from the above case in Cr.No.12/2020 and offences altered into U/s.417 IPC against A1. Subsequently, she has filed the report before the Chief Metropolitan Magistrate Court, Egmore. The statements are obtained from LW1 to LW13. LW1 Gowthami speaks about her love affair and had physical intimacy with the accused and later refused to marry her. LW 2 Vidya, LW3 Teekabai, LW4 Pari and LW 5 Chithiravelu speaks that LW 1 is following Christianity and regularly goes to church and also know about the relationship with the accused. LW6 Sowdharya speaks about the relationship between LW1 and the accused. LW7 Uma speaks about that LW1 took tuition classes to her daughters. LW8 Elavarasan and LW9 Manikandan speaks that LW1 requested to do photoshop for the photo send by LW1. LW 10 Rajendran and LW 11 Kamatchi are parents of LW1 Gowthami and they speak that Gowthami is following Christianity and took the accused to her home town and introduced him to LWs 10 and 11 and requested for marriage and later they also state that LW1 had not said anything about the accused refusing to marry citing her caste. LW 12 Siva brother of LW1 speaks about the relationship with the accused. LW13 Dr.Gayathri speaks about conducting medical examination to LW1. Further examining one Manjula and Murugan, who are relatives of Vijay/A1 and other witnesses statements, it reveals that the



accused persons are not abusing the complainant with caste name and the complainant's parents also stated that the complainant did not informed about the accused persons are abusing the complainant with caste name.

7. It is submitted that on 10.03.2023, Tmt. Vijayalakshmi, the then Inspector of Police took up the above case for further investigation. On the same day, she issued a notice under Section 41(A) Cr.P.C. to A1 for the purpose of enquiry. In compliance with the said notice, A1 appeared before the respondent police for enquiry. Subsequently, she examined A1 and recorded his statement.

8. It is submitted that on the same day (i.e.) 02.03.2024, the then Inspector of Police has altered the section of this case into U/s.417 & 420 IPC.

9. It is submitted that after completion of detailed investigation, on 12.03.2024, the then Inspector of Police have filed the charge sheet against the accused before the Judicial Magistrate Court, Ambattur and the same was taken on file vide C.C.No.307/2025. The next date of hearing is 23.06.2026 for examination of LW 1 to LW3.

10. It is submitted that now the petitioner/defacto complainant filed this present petition before this Hon'ble High Court, seeking to direct the 1st Respondent to complete the investigation expeditiously and file charge sheet in the case registered with Crime No.12 of 2020



WEB COPY

pending on the file of the Thirumangalam AWPS within stipulated time as may be fixed by this Hon'ble Court.

11. It is submitted that the respondent police received complaint and registered a case in a free, fair and impartial manner, now the case is pending trial before the competent Court.”

4. On perusal of the status report, this Court finds that the provisions of the SC/ST (Prevention of Atrocities) Act have been deleted. However, no reasons have been assigned in the status report for such deletion. It is not in dispute that the victim belongs to a Scheduled Caste community. In such circumstances, this Court finds no justification on the part of the Investigating Officer, whatsoever the reason may be, for deleting the provisions of the SC/ST Act.

5. It is further seen that the Additional Deputy Commissioner of Police transferred the investigation to one Vijayalakshmi on 10.03.2023. Prior to it, on 07.08.2020, the then Additional Commissioner of Police issued a notice under Section 41-A Cr.P.C. to A1 for enquiry, and subsequently, the succeeding Investigating Officer again issued a similar notice to A1. Thereafter, on



CRL OP No. 7971 of 2026

02.03.2024, the Inspector of Police altered the sections of law to offences under Sections 417 and 420 IPC and on 12.03.2024, charge sheet filed before the Judicial Magistrate, Ambattur, which was taken on file as C.C. No. 307 of 2025.

6.This Court finds that the investigation has been conducted in a lackadaisical manner, without due seriousness or proper understanding of the import of the SC/ST Act. Further, this is a case involving allegation of false promise and rape on a victim belonging to Scheduled Caste community. Now serious offences deleted without any valid reason. The status of Scheduled Caste is by birth, not gets changed even after reaching the grave, hence, deletion of provision under the SC/ST Act, is not proper. Added to it, for such deletion, no notice issued to the defacto complainant informing her about deletion of Sections and Act, which is in violation to the guidelines issued by the Hon'ble Supreme Court.

7.Further, under Section 4 of the SC/ST Act, punishment is prescribed for neglect of duty by a public servant, including the Investigating Officer. Despite this statutory mandate, the manner in which the investigation conducted, and the way in which the final report prepared and the charge sheet filed, is wholly



improper and the concerned is liable to be proceeded under the SC/ST Act and Rule.

8.In view of the above, this Court set asides the charge sheet in C.C.No.307 of 2025 on the file of the Judicial Magistrate Court, Ambattur. The learned Judicial Magistrate, Ambattur to return the charge sheet to the Investigating Officer. The Commissioner of Police, Avadi Commissionerate shall handed over the investigation to a competent Officer not below the rank of Deputy Superintendent of Police, who shall conduct a fresh (de novo) investigation and thereafter, file a final report in accordance with law. The defacto complainant/victim shall be informed periodically, preferably once in three months, regarding the status of the investigation. The Commissioner of Police, Avadi Commissionerate to monitor the investigation.

9.It is made clear that appropriate action, including departmental proceedings, shall be initiated against the concerned public servant(s) for any laxity or dereliction of duty in the conduct of investigation.



CRL OP No. 7971 of 2026

10. With the above directions, this Criminal Original Petition is disposed

of.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

rkp

To

1. The Judicial Magistrate, Ambattur.
2. The Additional Deputy Commissioner/
Investigation Officer,
Prevention of Crime against Women and
Children, Vepery, Chennai.
3. The Inspector of Police,
AWPS-Thirumangalam Police Station,
Anna Nagar, Chennai District.
4. The Public Prosecutor
High Court, Madras.

Copy To:

5. The Commissioner of Police, Avadi
Commissionerate, Avadi.



WEB COPY



CRL OP No. 7971 of 2026

M. NIRMAL KUMAR.J.,

rkp

CRL OP No.7971 of 2026

16-04-2026

Page10 of 10