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Crl.O.P.18671 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	28 / 07 / 2025
Delivered on	24 / 09 / 2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.18671 of 2025 &
Crl.M.P.No.12440 of 2025

K.Immanuvel @ Keynos Armstrong,
S/o.Krishnan,
D.No.15, Siruvalluvar Road,
Valvular Flat Ground Floor,
F.No.50/51 Block,
Perambur, Chennai,
Tamil Nadu - 600 011.

... Petitioner

Vs.

1.The Superintendent of Police,
Central Bureau of Investigation,
Egmore,
Chennai - 600 008.

2.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

3.The Inspector of Police,
Sembium Police Station,
Chennai - 600 082.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of the BNSS, to transfer the investigation in Crime No.293 of 2024 registered at K-1, Sembiam Police Station, Chennai, from the respondent No.3 to the Central Bureau of Investigation (respondent No.1).



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For Petitioner : Mr.M.Yogesh Kanna
For Respondents : Mr.P.Kumaresan
Additional Advocate General IV
Assisted by
Mr.R.Muniyapparaj
Additional Government Pleader
for R2 and R3

ORDER

The petitioner has filed this Criminal Original Petition seeking to transfer the investigation in Crime No.293 of 2024, registered at K-1 Sembium Police Station, Chennai, from the file of the third respondent to the Central Bureau of Investigation.

2. The brief facts of the case, as averred in the petition, are as follows:-

2.1. The petitioner is the younger brother of the deceased K.Armstrong, who was serving as the Tamil Nadu State President of the Bahujan Samaj Party and was a prominent leader from the Dalit community. On 05.07.2024, the deceased was brutally murdered in broad daylight at Perambur, Chennai, by unknown assailants who approached him in disguise as food delivery personnel. The incident was not a mere act of personal enmity but a well-planned and premeditated attack, revealing a larger conspiracy behind the assassination of a political leader of such stature.



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2.2. Based on a complaint given by the elder brother of the deceased,

a First Information Report in Crime No.293 of 2024 was registered on 05.07.2024 at K-1 Sembium Police Station, Chennai, for the offences under Sections 191(2), 191(3), 118(1), 103 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (in short "BNS"). The investigation was taken up by the local police, and in October 2024, a final report running to nearly 5,000 pages was filed before the learned Metropolitan Magistrate, Chennai. In the said final report, thirty individuals were named as accused, and additional offences were included under Sections 61(2)(a) read with 103(1), 191(3), 351(3), 109, 238 read with 190, and 49 of BNS, along with Sections 4(b) read with 5 and 6 of the Explosive Substances Act, 1908, and Section 3 read with 25(1B)(a) of the Arms Act, 1959.

2.3. However, despite the voluminous nature of the charge sheet and the large number of persons implicated, several key conspirators remain unapprehended, and there are serious contradictions between the FIR and the final report. The investigation has overlooked material evidence, ignored crucial witnesses, and has failed to explore the wider conspiracy and the political background of the crime. The petitioner submits that the investigation has been conducted in a selective and biased manner, evidently aimed at shielding the real masterminds behind the assassination, which has shaken public confidence in the fairness of the process.



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2.4. It is in these circumstances that the petitioner has approached this Court, seeking transfer of the investigation from the State Police to the Central Bureau of Investigation to secure a fair, independent, and credible investigation.

3. The learned counsel for the petitioner would submit that this case involves the brutal killing of K.Armstrong, who was the Tamil Nadu State President of the Bahujan Samaj Party and a prominent Dalit political leader, and that the investigation conducted by the Tamil Nadu Police is seriously defective, biased, and appears to be aimed at protecting the real conspirators. It is pointed out that though the First Information Report in Crime No.293 of 2024 registered at K-1 Sembium Police Station initially recorded that eight unknown assailants were involved, the charge sheet filed in October 2024 runs to nearly 5,000 pages and names thirty accused, but still leaves out the main conspirators, which creates a serious doubt about the fairness and honesty of the investigation.

4. The learned counsel submits that the investigation has been made to look thorough on the surface while avoiding the main political conspiracy behind the crime. It is stated that there are major and clear contradictions between the FIR and the charge sheet. While the FIR mentioned that the



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attackers came in food delivery uniforms and hinted at a possible revenge motive relating to one Arcot Suresh, the charge sheet is based mainly on confession statements without supporting evidence like CCTV footage or proper forensic reports. The charge sheet also admits that explosives used for the murder were taken through high-security government areas including the Omandurar Government Estate and even the premises of the Madras High Court, yet there has been no investigation into how such serious breaches of security could happen. This shows a clear unwillingness to examine possible involvement of officials or other systemic failures.

5. It is further submitted that several important witnesses have been completely left out, such as the deceased's wife Mrs.Porkodi and Mr.Amalraj, who was then the Chairman of the Tamil Nadu Bar Council, though both had close association with the deceased and knew about his political activities and the threats he faced. Their statements, which also mentioned influential political figures including Selvamperunthagai, have been left out from the final report, showing a deliberate effort to build a selective version of the case and protect powerful persons. The charge sheet also does not mention that K.Armstrong had earlier helped Asvathaman get bail in a previous case despite their alleged enmity, and leaves out the full background of other incidents like the protest over the transfer of the Thenarasu murder case to CBCID. These omissions make it clear that the police have purposely left out facts that go against their version that the incident arose out of gang rivalry.



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6. The learned counsel submits that the key conspirators named even by the State Police, namely Sambhav Senthil (A2) and Krishnakumar (A18), are still not arrested even after the charge sheet was filed. This clearly suggests either negligence, collusion, or political protection. Such a serious failure to arrest the main accused damages the entire credibility of the investigation and creates a genuine fear in the mind of the petitioner and the public that the real culprits are being shielded. It is also submitted that the alleged recovery of mobile phones from the Kosasthalaiyar river appears suspicious, has no proper forensic link, and seems to have been projected only to give an impression that the investigation has been successful.

7. The learned counsel relies on the well-settled principle that this Court has full power to transfer an investigation to an independent agency like the Central Bureau of Investigation in suitable cases even after the filing of the charge sheet, when the facts show that the investigation is not fair. In the case of ***Punjab & Haryana High Court Bar Association v. State of Punjab***, [(1994) 1 SCC 616], the Hon'ble Supreme Court of India held that the Court can hand over the investigation to the CBI and that it cannot be said that once a charge sheet is filed, the Court has no power to do so. The Court observed that when the investigation is not going in the correct direction or when senior police officers are involved, the Court is justified in transferring the investigation to an independent agency.



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8. The learned counsel also places reliance on ***Manu Sharma v. State (NCT of Delhi)***, [(2010) 6 SCC 1], where the Hon'ble Supreme Court stressed that an investigation must be fair, honest, transparent, and expeditious, and that any biased or tainted investigation goes against Articles 20 and 21 of the Constitution of India. In ***Narmada Bai v. State of Gujarat & Ors.***, [AIR 2011 SC 1804], the Hon'ble Supreme Court ordered a CBI probe where the State Police had failed to look into the wider conspiracy and had tried to suppress evidence, observing that destruction of witnesses and confining the investigation to a convenient version called for judicial interference to ensure justice.

9. The learned counsel further refers to ***R.S. Sodhi v. State of U.P.***, [1994 Supp (1) SCC 143], where the Supreme Court directed transfer of investigation to the CBI because the allegations were against the local police themselves, and held that however sincerely the local police may act, such an investigation will lack public confidence if the allegations are against them. In ***State of Bihar v. P.P. Sharma***, [AIR 1991 SC 1260], it was held that an investigation must be ethical and without any bad faith, and that acting without proper cause would show mala fides. The learned counsel also cites ***Navinchandra N. Majithia v. State of Meghalaya & Ors.***, [AIR 2000 SC 3275], in which the Hon'ble Supreme Court said that investigating agencies



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are meant to protect the liberty of citizens and must be kept completely free from outside influence, as a biased or manipulated investigation leads to miscarriage of justice.

10. Relying on these authorities, the learned counsel submits that in the present case, where the victim was a State President of a national political party representing a marginalised community, where there are serious allegations of bias and lapses in the investigation, where the main accused remain at large, and where there are clear signs of political influence, this Court should transfer the investigation to the CBI. It is argued that only a central agency, free from local pressures and influences, can conduct a fair, impartial, and trustworthy investigation into this grave and sensitive matter and thus preserve public confidence in the criminal justice system.

11. The learned Additional Advocate General appearing for the respondents 2 and 3 submits that the investigation into Crime No.293 of 2024, regarding the murder of K.Armstrong, was conducted with utmost professionalism, diligence, and impartiality, strictly in compliance with the provisions of BNS, and other applicable legal procedures. It was emphasized that the Special Investigation Team, headed by the Joint Commissioner of Police, West Zone, Chennai, and comprising senior officers including Deputy Commissioners, Assistant Commissioners, Inspectors, Sub-Inspectors, and



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other personnel, conducted a comprehensive investigation covering all material aspects of the crime.

12. The learned Additional Advocate General pointed out that the investigation was meticulous, including the recovery and forensic analysis of thirteen knives, an axe, country-made bombs, eight two wheelers, four four-wheelers, a zomato dress and bag, 27 cell phones and cash totalling Rs.63,13,000/-, were seized from the arrested accused. Additionally, one country-made pistol and four 9 MM bullets were seized. It is further submitted that the critical evidence, such as mobile phones recovered from the Kosasthalaiyar River, was examined with divers' reports and forensic analysis establishing connections to the accused. CCTV footage from the vicinity was scrutinized, and statements of over 250 witnesses, including family members, associates, and local residents, were recorded to corroborate the chain of events. It was submitted that the charge sheet, initially filed before the learned Vth Metropolitan Magistrate, Egmore, Chennai, and later taken on file by the Principal Sessions Court, runs to about 7,411 pages, by invoking multiple provisions of the BNS, the Explosive Substances Act, and the Arms Act, and includes forensic reports, witness statements, and other supporting documents. Of the thirty accused identified, twenty-eight are in judicial custody, while two key conspirators, Sampava Senthil @ Senthilkumaran and Krishnakumar @ Mottai Krishna, remain absconding. The respondents have



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taken all lawful steps to apprehend them, including issuing Red Notices through INTERPOL, impounding passports, and pursuing extradition proceedings.

13. The learned Additional Advocate General further submitted that all key witnesses, including the deceased's wife, Tmt. Porkodi Armstrong, and Mr. Amalraj, Bar Council Chairman, were recorded and included in the charge sheet. Allegations that key witnesses were ignored are therefore wholly misconceived. Similarly, suggestions of political shielding or deliberate exclusion of evidence lack any material foundation. The investigation explored all possible angles, including the possibility of political motives, but the evidence gathered including confessions, forensic reports, and witness statements establishes that the primary motive was personal enmity linked to prior gang rivalry, particularly the earlier killing of Arcot Suresh. It was also submitted that the petitioner's allegations regarding non-apprehension of absconding accused do not vitiate the investigation, as the charge sheet contains ample evidence to establish their role, and their apprehension remains actively pursued. The respondents emphasized that the petitioner himself had refused to give a statement as a witness during the investigation and is only seeking CBI involvement after the completion of the investigation and the filing of the charge sheet, which would cause undue delay and disrupt the judicial process.

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14. The learned Additional Advocate General further concluded by submitting that the investigation is complete, comprehensive, and impartial, and that transferring the investigation to the CBI at this stage is entirely unnecessary, would delay justice, and prejudice the prosecution and victims. Consequently, the request for transfer is untenable, and the petition is liable to be dismissed.

15. Heard the learned counsel on either side and perused the materials available on record.

16. Admittedly, the deceased was the State President of a national political party, viz., Bahujan Samaj Party, and a prominent Dalit political leader. The petitioner contends that the investigation conducted by the Tamil Nadu Police is seriously defective, biased, and appears to have deliberately omitted critical aspects necessary to uncover the broader conspiracy behind the murder. Several material witnesses, including close associates and political figures such as Selvaperunthagai, who were aware of threats to the deceased's life, were either not examined or their statements were selectively omitted from the final report. Such selective omission gives rise to a reasonable apprehension that certain lines of inquiry were deliberately avoided.



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17. The respondent Police, on the other hand, submit that a thorough and comprehensive investigation was conducted by a Special Investigation Team headed by senior officers. They state that large quantities of weapons, vehicles, explosive substances, and mobile phones were recovered, CCTV footage was examined, and statements of over 250 witnesses were recorded. It is further stated that the deceased's wife and other close associates were examined, and their statements are part of the charge sheet. Out of thirty accused, twenty-eight have been arrested and are in judicial custody, while two remain absconding, for whom Red Corner Notices have been issued.

18. It is undisputed that the murder, having occurred in broad daylight, has caused widespread public concern and anxiety. In view of the public prominence of the deceased, it is essential that the investigation is conducted in a manner that is not only fair and impartial but also visibly reflects such fairness and impartiality, so as to preserve public confidence and provide assurance to the deceased's family.

19. On careful consideration of the materials on record, this Court finds that certain aspects of the investigation raise genuine doubts. Several eyewitnesses have stated that they saw the assailants and could identify them, yet no identification parade appears to have been conducted. Such a



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basic investigative step, particularly when the attackers were initially unknown, should have been undertaken to strengthen the case. The absence of this casts doubt on the thoroughness of the investigation. The Court also notes that the investigation appears to have been influenced, directly or indirectly, by media coverage and political considerations.

20. Further, there are material inconsistencies between the FIR and the charge sheet. The FIR stated that the attackers were disguised as food delivery personnel and suggested that the motive might be revenge linked to one Arcot Suresh. On the other hand, the charge sheet attributes the motive was entirely gang rivalry and mainly relies on the confessional statements of the accused, without strong evidence from independent sources such as CCTV footage, call records, or forensic tests. Although mobile phones were recovered from the Kosasthalaiyar River and presented as a key link, no clear forensic report has been provided to show their connection to the accused or the incident.

21. Another significant concern is that key conspirators, namely A2 and A18, remain absconding even after the filing of the charge sheet. The continued non-arrest of principal accused naturally raises doubts about the completeness and effectiveness of the investigation. The possibility of suppression or destruction of evidence cannot be disregarded.



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22. Although the Police claim that statements of all important witnesses were recorded, the petitioner has pointed out that the statements of persons closely associated with the deceased, both personally and politically, and who were aware of threats to his life, were either not recorded or not included in the final report. The investigation seems to have focused mainly on establishing the physical commission of the crime, without properly examining the background, motive, and possible broader conspiracy. This selective approach gives the impression that certain lines of inquiry may have been deliberately overlooked.

23. Considering the public prominence of the deceased, a free and impartial investigation is necessary not only for justice but also to inspire public confidence and ensure a fair trial.

24. It is settled law that this Court may order the transfer of an investigation to an independent agency even after the filing of the charge sheet, where the investigation is shown to be unfair, incomplete, or influenced by extraneous considerations. The mere filing of a charge sheet does not prevent this Court from exercising its constitutional powers to ensure a free and impartial investigation. At this juncture, it is useful to refer to the judgment of the Hon'ble Supreme Court in ***Naresh Kumar Mangla v.***



Anita Agarwal [(2021) 15 SCC 777 : 2020 SCC OnLine SC 1031, at page 804], wherein it was observed as follows:

"27. *Second* , in the facts of this case, the charge-sheet which is dated 24-10-2020 has been submitted to the competent court on 5-11-2020. The submission of the charge-sheet does not oust the jurisdiction of a superior court, when as in the present case, the investigation is tainted and there is a real likelihood of justice being deflected. In *Vinay Tyagi v. Irshad Ali* [*Vinay Tyagi v. Irshad Ali*, (2013) 5 SCC 762 : (2013) 4 SCC (Cri) 557] , a two-Judge Bench of this Court, speaking through Swatanter Kumar, J. has held : (SCC p. 791, para 43)

"43. At this stage, we may also state another well-settled canon of the criminal jurisprudence that the superior courts have the jurisdiction under Section 482 of the Code or even Article 226 of the Constitution to direct "further investigation", "fresh" or "de novo" and even "reinvestigation". "Fresh", "de novo" and "reinvestigation" are synonymous expressions and their result in law would be the same. *The superior courts are even vested with the power of transferring investigation from one agency to another, provided the ends of justice so demand such action. Of course, it is also a settled principle that this power has to be exercised by the superior courts very sparingly and with great circumspection.*"

(emphasis supplied)

The Court held that wherever a charge-sheet has been submitted to the court, even this Court would not ordinarily reopen the investigation especially by entrusting it to a specialised agency. However, in a proper case, when the Court feels that the investigation by the police has not been in the proper perspective and that in order to do complete justice, where the facts of the case demand that the investigation be handed over to a specialised agency, a superior court is not bereft of the authority to do so. (*Disha v. State of Gujarat* [*Disha v. State of Gujarat*, (2011) 13 SCC 337 : (2012) 2 SCC (Cri) 628] and *Rubabbuddin Sheikh v. State of Gujarat* [*Rubabbuddin Sheikh v. State of Gujarat*, (2010) 2 SCC 200 : (2010) 2 SCC (Cri) 1006] .)

28. In *Pooja Pai v. Union of India* [*Pooja Pai v. Union of India*, (2016) 3 SCC 135 : (2016) 1 SCC (Cri) 743] , a two-Judge Bench of this Court, speaking through Amitava Roy, J. observed that there was no



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embargo on this Court to transfer an investigation to CBI after submission of the charge-sheet in the following terms : (SCC pp. 174-75, paras 79, 81 & 83)

"79. The precedential ordainment against absolute prohibition for assignment of investigation to any impartial agency like CBI, submission of the charge-sheet by the normal investigating agency in law notwithstanding, albeit in an exceptional fact situation warranting such initiative, in order to secure a fair, honest and complete investigation and to consolidate the confidence of the victim(s) and the public in general in the justice administering mechanism, is thus unquestionably absolute and hallowed by time. Such a measure, however, can by no means be a matter of course or routine but has to be essentially adopted in order to live up to and effectuate the salutary objective of guaranteeing an independent and upright mechanism of justice dispensation without fear or favour, by treating all alike.

81. The judicially propounded propositions on the aspects of essentiality and justifiability for assignment of further investigation or reinvestigation to an independent investigating agency like CBI, whether or not the probe into a criminal offence by the local/State Police is pending or completed, irrespective of as well, the pendency of the resultant trial have concretised over the years, applicability whereof, however, is contingent on the factual setting involved and the desideratum for vigilant, sensitised and even-handed justice to the parties.

83. ... Though a court's satisfaction of want of proper, fair, impartial and effective investigation eroding its credence and reliability is the precondition for a direction for further investigation or reinvestigation, submission of the charge-sheet ipso facto or the pendency of the trial can by no means be a prohibitive impediment. The contextual facts and the attendant circumstances have to be singularly evaluated and analysed to decide the needfulness of further investigation or reinvestigation to unravel the truth and mete out justice to the parties."

29. Similarly, in *Dharam Pai v. State of Haryana* [*Dharam Pai v. State of Haryana*, (2016) 4 SCC 160 : (2016) 2 SCC (Cri) 259] , a two-Judge Bench of this Court, speaking through Dipak Misra, J. (as the learned Chief Justice then was), upheld the power of this Court to transfer an investigation to CBI, irrespective of the stage of the trial. It held : (SCC p. 170, paras 24-25)



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"24. Be it noted here that the constitutional courts can direct for further investigation or investigation by some other investigating agency. The purpose is, there has to be a fair investigation and a fair trial. The fair trial may be quite difficult unless there is a fair investigation. We are absolutely conscious that direction for further investigation by another agency has to be very sparingly issued but the facts depicted in this case compel us to exercise the said power. We are disposed to think that purpose of justice commands that the cause of the victim, the husband of the deceased, deserves to be answered so that miscarriage of justice is avoided. Therefore, in this case the stage of the case cannot be the governing factor.

25. ... If a grave suspicion arises with regard to the investigation, should a constitutional court close its hands and accept the proposition that as the trial has commenced, the matter is beyond it? That is the "tour de force" of the prosecution and if we allow ourselves to say so it has become "idée fixe" but in our view the imperium of the constitutional courts cannot be stifled or smothered by bon mot or polemic."

30. Having regard to the circumstances which have emerged on the record, which have been adverted to in the earlier part of the judgment, we are of the view that it is necessary to entrust a further investigation of the case to CBI in exercise of the powers of this Court under Article 142 of the Constitution. The conduct of the investigating authorities from the stage of arriving at the scene of occurrence to the filing of the charge-sheet do not inspire confidence in the robustness of the process. A perusal of the charge-sheet evinces a perfunctory rendition of the investigating authorities' duty by a bare reference to the facts and the presumption under Section 304-BIPC when the death occurs within seven years of the marriage. The stance taken by the Deputy Superintendent of Police in the counter-affidavit, filed a few days after forwarding the charge-sheet, travels beyond the scope of the investigation recorded in the charge-sheet with respect to the veracity of the suicide note, medical examination of injuries and the past miscarriages of the deceased. Critical facts of the money trail between the deceased, her father (the informant), and the accused; and the call history of A-2, the informant and the deceased are unexplored. No



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attempt at custodial interrogation of the applicants was made between the issuance of non-bailable warrants on 9-9-2020 and interim protection from arrest by the High Court granted on 22-9-2020 [*Anita Agarwal v. State of U.P.*, 2020 SCC OnLine All 1568] . As noted above, upon questioning during the hearing, the counsel for the State answered that no investigation on the allegation of murder had been conducted.

Even in the present case, the investigation exhibits certain tainted aspects and serious infirmities. Several crucial steps were omitted, key witnesses were ignored, and some accused remain unapprehended, casting doubt on the thoroughness, credibility, and reliability of the inquiry.

25. Considering the totality of circumstances, specifically, the gravity of the offence, the public position of the deceased as State President of the Bahujan Samaj Party, inconsistencies between the FIR and the charge sheet, failure to carry out basic investigative procedures such as identification parades, non-arrest of key accused, omission of crucial witnesses, and apparent influence of media or political factors, this Court finds that the investigation conducted by the respondent Police does not inspire full confidence. While it is acknowledged that the investigation has been completed and the charge sheet filed, the lapses outlined above, together with serious doubts regarding the thoroughness and impartiality of the inquiry, necessitate intervention by this Court to ensure justice and maintain public confidence.

26. In the interest of justice, the charge sheet filed by the respondent-



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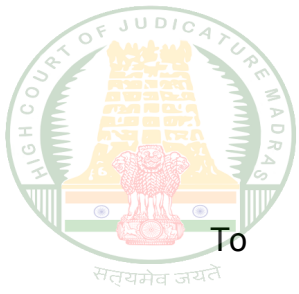
Police pursuant to the investigation conducted in Crime No.293 of 2024 registered at K-1 Sembium Police Station, Chennai, is hereby quashed. The investigation is accordingly transferred to the Central Bureau of Investigation (CBI) for a free, fair, and impartial inquiry, independent of media, political influence, or local pressure. The third respondent is directed to forthwith hand over the entire case record, materials, and connected documents to the first respondent. The first respondent shall complete the investigation and file a comprehensive final report before the competent Court within six months from the date of receipt of the records, subject to extensions only on sufficient cause shown.

27. In view of the above, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No

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To

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- 1.The Superintendent of Police,
Central Bureau of Investigation,
Egmore,
Chennai - 600 008.
- 2.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.
- 3.The Inspector of Police,
Sembium Police Station,
Chennai - 600 082.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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Pre Delivery Order in
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