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CrI.O.P.No.20762 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.20762 of 2025

N.Manibharath

...Petitioner

Vs.

1. State represented by
The Superintendent of Police,
Thiruppur District,
Thiruppur – 641 601.
2. The Deputy Superintendent of Police/
Investigation Officer,
Kangeyam Sub Division,
Thiruppur District – 638 701.
3. The Inspector of Police,
Uthukuli Police Station,
Thiruppur District.
PIN-638 751
(Cr.No.95 of 2025)
4. Suresh
5. Lakshmi
6. Sikhandar Basha @ Basha
7. Chandral

...Respondents



Crl.O.P.No.20762 of 2025

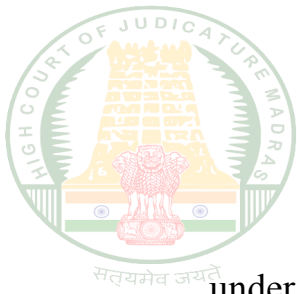
Prayer : Criminal Original Petition filed under Section 528 of BNSS to direct the first respondent to transfer the investigation and nominate an officer to conduct the investigation in Cr.No.95 of 2025 pending on the file of the Uthukuli Police Station in order to ensure fair investigation by taking statement from all victims & witnesses including the petitioner and his parents and also recover all material evidences related to the case.

For Petitioner : Mr.C.Prabhu
For Respondents : Dr.C.E.Pratap,
Government Advocate (Crl.Side)
for R1 to R3

ORDER

This petition has been filed seeking directions to the first respondent to transfer the investigation and nominate an officer to conduct the investigation in Cr.No.95 of 2025 pending on the file of the third respondent herein in order to ensure fair investigation by taking statement from all victims and witnesses including the petitioner and his parents and also recover all material evidences related to the case.

2 According to learned counsel for the petitioner, the respondent police concealing the truth registered the FIR by not adding the offence under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (in short “SC/ST Act”), only with an intention to save the accused persons. Further the Investigating Officer, after altering the offence



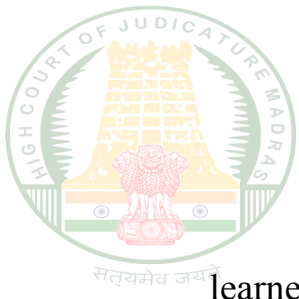
Crl.O.P.No.20762 of 2025

WEB COPY

under the SC/ST Act did not conduct spot inspection as mandated by Rule 6 of SC/ST (PoA) Rules, 1995, and has not recovered relevant materials and evidence. Therefore it is necessary to order transfer of investigation and appointment of competent officer to conduct fair and impartial investigation in Cr.No.95 of 2025.

3 Learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3 would submit that on receipt of the complaint received from the defacto complainant, FIR in Cr.No.95 of 2025 has been registered on the same day and thereafter since the defacto complainant belonged to Scheduled Caste community and the accused persons belonged to other community, offence has been altered including the SC/ST Act. In furtherance of the alteration, Rule 7 has been complied with by appointing the Deputy Superintendent of Police as an Investigating Officer, who, after investigation, has also filed charge sheet. Therefore question of transfer of the investigation does not arise in the present case and the Criminal Original Petition is liable to be dismissed.

4 Heard the learned counsel for the petitioner and the



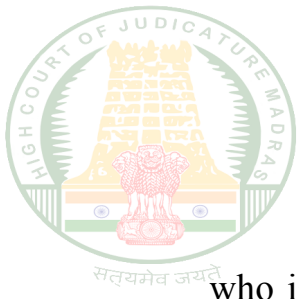
Crl.O.P.No.20762 of 2025

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learned Government Advocate (Crl.Side) for the respondents 1 to 3 and perused the materials available on record.

5 The main ground on which the petitioner seeks transfer of investigation is that the Investigating Officer viz. the second respondent, after altering the offence under the SC/ST Act, did not conduct spot inspection complying with the Rule 6 of SC/ST (PoA) Rules and did not recover the materials, which are essential for the case. Hence, this Court, by an order dated 25.07.2025 directed the respondent police to file a report regarding compliance of Rule 6 of SC/ST (PoA) Rules.

6 Now the respondent police has filed their report by way of counter affidavit and a bare reading of the same would reveal that there is no whisper about compliance of Rule 6 of SC/ST (PoA) Rules. There is no *iota* of evidence to show that after alteration of offence under the SC/ST Act, the Investigating Officer conducted spot inspection. Even in the statement of the Investigating Officer, he has reiterated the version of the Sub Inspector of Police, who took the investigation prior to alteration and



Crl.O.P.No.20762 of 2025

WEB COPY

who is not a competent person after alteration of the offence under SC/ST Act. Once offence has been altered into the SC/ST Act, Rule 7 has to be complied with i.e. the investigating officer should not be less than the rank of Deputy Superintendent of Police, who has to conduct investigation independently. Soon after receiving information about any atrocity against SC/ST, the investigating officer, who must be a police officer not below the rank of Deputy Superintendent of Police, or the District Magistrate, Sub-Divisional Magistrate, or any other Executive Magistrate, has to conduct a spot inspection, which is a crucial step to assess the extent of the atrocity, including loss of life and property damage, and to gather initial information for the investigation. In the present case, the investigation report and charge sheet remain silent regarding compliance of Rule 6.

7 Further a perusal of the record shows that the investigating officer viz. the second respondent did not conduct fair investigation and has failed to comply with the mandatory provisions under the SC/ST (PoA) Act Rules.



Crl.O.P.No.20762 of 2025

WEB COPY

8 Therefore the so called charge sheet said to have been filed in Cr.No.95 of 2025 is hereby set aside. The Superintendent of Police, Thiruppur District, is hereby directed to appoint an honest Officer not below the rank of Deputy Superintendent of Police, by a special order, to investigate the matter afresh in Cr.No.95 of 2025. The newly appointed Investigating Officer is directed to conduct fresh investigation complying with all the mandatory provision of the SC/ST (PoA) Rules especially Rule 6 and file a charge sheet before the Special Court, within a period of three months from the date of his appointment as Investigating Officer in Cr.No.95 of 2025.

9 Accordingly, this Criminal Original Petition stands allowed.

31.07.2025

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Speaking /Non-speaking order

To

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Crl.O.P.No.20762 of 2025

WEB COPY

1. The Superintendent of Police, Thiruppur District,
Thiruppur – 641 601.
2. The Deputy Superintendent of Police/Investigation Officer,
Kangayam Sub Division, Thiruppur District – 638 701.
3. The Inspector of Police, Uthukuli Police Station, Thiruppur District
4. The Public Prosecutor, Madras High Court.



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Crl.O.P.No.20762 of 2025

P.VELMURUGAN, J.

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Crl.O.P.No.20762 of 2025

31.07.2025