



CRL OP(MD). No.18677 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.12.2025

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THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

**CRL OP(MD). No.18677 of 2025
and
CRL MP(MD)No.15472 of 2025**

L.G.Sarath Inigo

... Petitioner

Vs.

- 1.The Additional Director
General of Police,
State Crime Records Bureau,
Santhome High Road,
Raja Annamalaipuram,
Chennai 600 218.
- 2.The Commissioner of Police,
O/o.The City Police,
Tirunelveli City.
- 3.The Additional Deputy
Commissioner of Police,
CCRB, O/o.The City Police,
Tirunelveli City.
- 4.The Assistant Commissioner of Police,
CCRB, O/o.The City Police,
Tirunelveli City.
- 5.M.Kannan,
The Inspector of Police (L and O),
C-1, Palayamkottai Police Station,
Tirunelveli City.
(At Present Working as Not Known).



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6. Mcclarine Eskhol,
The Assistant Commissioner of Police (Crime),
Town SDO,
Tirunelveli City.
(At Present Working as the DSP, DVAC, Tirunelveli).

7. Feroz Khan,
The Deputy Commissioner of Police (Crime),
Tirunelveli City Police,
(At Present Working as Not Known).

... Respondents

PRAYER :- This Petition is filed under Section 528 BNSS, to set aside the impugned order passed by the learned Sessions Judge - II, Tirunelveli District, in CrI.M.P.No.778/2021 in S.C.No. 87/2019 dated 06.06.2025.

For Petitioner : Mr.D.Vijay Antony

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (CrI.Side)

ORDER

Seeking to set aside the impugned order passed by the learned Sessions Judge - II, Tirunelveli District, in CrI.M.P.No.778/2021 in S.C.No. 87/2019 dated 06.06.2025, this Criminal Original Petition is filed.

2. The petitioner herein is the practicing advocate who is the accused in S.C.No. 87/2019. The case involves offences under the provisions of the Scheduled Caste and Scheduled Tribes (POA)



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Amendment Act, 2015.

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3. The learned counsel appearing for the petitioner submitted that the Investigating Officers should have been appointed by the Superintendent of Police in terms of Rule 7(1) of the SC ST Rules. However, in the instant case, column No.13 of the FIR, which was uploaded in the CCTNS website, would reveal that no higher official had nominated any officer in the cadre of Deputy Superintendent of Police to investigate the offence and one Inspector of Police had registered the FIR.

4. However, later the FIR, which was sent to the learned Trial Court clearly in column No.13, revealed that the Inspector of Police had directed one Thiru. E.Mcclarine Eskhol, Assistant Commissioner of Police (Crime), Tirunelveli City, to take up the investigation. Such an exercise is impermissible, and he should have been nominated only by the Superintendent of Police, and in this regard, he had filed an application in Crl.M.P.No.778 of 2021 before the learned Trial Court under Section 340 read with 195 Cr.P.C.,1973. However, the same came to be dismissed by the impugned docket order dated 06.06.2025, recording that the petitioner was absent and no



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representation was also made on behalf of him. Since NBW was issued against him, the petition was further dismissed for default. Challenging the same, this Criminal Original Petition is filed.

5. The learned counsel for the petitioner insisted that neither the petitioner nor his counsel appeared on that day on the impression that there is an order of stay in the CrI.O.P.(MD)No.12967 of 2019, which was pending before this Court, which was filed to call for the records of S.C.No.87 of 2019 and quash the same. However, the said quash petition was dismissed as early as on 17.08.2023 itself.

6. Considering the fact that the absence of the petitioner was only on the impression that there had been a stay before this Court, this Court is of the considered view that the impugned order shall be set aside, and the same is remanded back to the learned Trial Court for fresh consideration.

7. With the above directions, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

12.12.2025

Index : Yes/ No
NCC : Yes / No
Internet: Yes/No
Sml



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- 7.The Assistant Commissioner of Police (Crime),
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(At Present Working as the DSP, DVAC, Tirunelveli).
- 8.The Deputy Commissioner of Police (Crime),
Tirunelveli City Police.
- 9.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI,J.,

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