



CRL.O.P.NO.7936 OF 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP NO.7936 OF 2026

C.Sathish Kumar,
S/o.Chinnu
Sakthimurugan Lorry Workshop,
Iveli Village, Sankari Taluk,
Salem District.

Petitioner/Defacto
complainant

Vs

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

2.The Superintendent of Police,
Salem District,
Salem.

3.The Deputy Superintendent of Police,
Sankari Division,
Salem District.

4.The Inspector of Police,
Sankari Police Station,
Salem District.

Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS,
praying to direct the second respondent to transfer the investigation of the
case in Crime No.55 of 2026 to some other Investigating Agency such as CBI



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or CBCID or any other independent investigating agency for proper and necessary action against the culprits.

For Petitioner(s): Mr.C.Munusamy

For Respondents: Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

The petitioner/defacto complainant, on whose complaint a case in Crime No.55 of 2026 registered for offence under Sections 191(2), 296(b), 324(4), 351(2) of BNS, 2023 and Sections 3(1)(f), 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989, had filed this petition seeking a direction to the second respondent to transfer the investigation of the case in Crime No.55 of 2026 to some other Investigating Agency such as CBI or CBCID or any other independent investigating agency.

2.The contention of the petitioner is that the petitioner is the permanent resident of Iveli village and he was doing the business in the name of Sakthimurugan Lorry Workshop. The petitioner took land on lease from one Rajkumar and doing business for a period of more than five years without hindrance. The petitioner pays monthly rent and lease amount regularly. The petitioner invested a sum of Rs.50,00,000/- towards his business by



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borrowing money from money lenders and also pledging his wife's gold ornaments. The lorry workshop was provided with electricity service connection and it was transferred from the name of Rajkumar to one Vimala on 11.07.2025. Following the same, on 05.11.2025, one Murugendran along with electricity department personnel and others attempted to disconnect the power supply and forcibly evict the petitioner. The petitioner is paying the electricity charges regularly from the year 2022. This being so, on 14.01.2026, one Sakthivel doing agricultural work in the adjacent land of petitioner's workshop, his crops were damaged by one Venkatachalam @ Kandhuvatti Venkatachalam, father-in-law of Murugendran along with broker, Kandasamy with their henchmen who all came in a car bearing Registration No.TN-93-H-0173 and also damaged the petitioner's workshop, CCTV cameras, furnitures etc. Further electricity connection disconnected and all wires damaged. The assailants used filthy language and attacked the petitioner by calling him by caste name in full public view and attacked the petitioner with lethal weapons. The petitioner lodged a complaint to the fourth respondent, who informed the same to the third respondent. The third respondent found the allegations made in the petitioner's complaint true. The adjacent tiller Sakthivel called the emergency police and they informed to report to the Sankari Police Station. Though complaint was lodged, no action



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taken immediately and on 21.01.2026 fresh complaint given and a copy sent to the Superintendent of Police, Salem, Deputy Inspector General of Police, Salem and Scheduled Caste Commission. After great difficulty, the case came to be registered in Crime No.55 of 2026. But no action taken against the offenders and the police have become complacent with the offenders. The petitioner also made representation on 13.03.2026 and requested the respondent police to conduct proper investigation, but no action taken. Hence, the petitioner filed the above petition.

3.The learned Additional Public Prosecutor submitted that on the complaint of the petitioner, a case in Crime No.55 of 2026 registered for offence under Sections 191(2), 296(b), 324(4), 351(2) of BNS, 2023 and Sections 3(1)(f), 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. During investigation, the police visited the scene of occurrence, collected CCTV camera, call details and other electronic evidences. The persons near the scene of occurrence examined, statements recorded and rental agreement submitted by the petitioner collected on verification. It was found petitioner already vacated the premises of Rajkumar and he is continuing his lorry body building business from a different place. On 31.01.2026, the nominated officers visited the scene of occurrence, in



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presence of witnesses, prepared observation mahazar and rough sketch. The said Rajkumar sold 5.34 acres of land to one Vimala, wife of Murugendran. The Revenue records and electricity connection transferred to the name of Vimala. The petitioner shifted his lorry body building workshop to Aavarangampalayam in the property of one Subramanian and he is continuing his business from there. On 05.11.2025, the EB personnel came and disconnected the 3 phase power connection and on 26.11.2025, single phase connection also disconnected. At that time the petitioner not shown any objection. On 14.01.2026, Venkatachalam, father of Vimala along with broker Kandasamy came to clear the place and to put up fencing, at that time, CCTV camera, which was inside the property removed and kept aside. There was no commotion or any fight. The petitioner's claim that Sakthivel's agricultural property damaged and he was abused is false, the CDR details confirm Sakthivel was not present on the said date and time in the scene of occurrence.

4.He further submitted that the Tahsildar report is that no agricultural activities carried and the land was left barren. Further, complaint is that Venkatachalam called his daughter over speaker phone and abused the petitioner by his caste name. It is seen that Venkatachalam's daughter was



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abroad at that time. Further, Venkatachalam's mobile phone verified and there was no call except 2 SMS. There seems to be some encroachment of the property by the petitioner without any authority and he was asked to vacate. Further the lease agreement stamp paper found to be a created document. Considering all these aspects and finding that the petitioner's complaint is not true, needs no further investigation, the case was closed as 'Mistake of Fact' and notice in RCS No.10/2026 dated 10.03.2026 was attempted to be served to the petitioner. The petitioner was not there, hence in presence of Village Administrative Officer, it was stuck in the petitioner's residence. Now closure report filed before the learned Sessions Judge, Special Court for trial of Cases under SC/ST (POA) Act, Salem. The petitioner if aggrieved, he can file his objections by way of protest petition.

5.Considering the submissions made and on perusal of the materials, it is seen that in this case on the complaint of the petitioner, a case in Crime No.55 of 2026 registered, now investigation completed and the case closed as 'Mistake of Fact' in RCS No.10 of 2026. RCS notice could not be served to the petitioner in person and it was pasted to the wall in the petitioner's residence. Now the petitioner is informed about the closure of the case. If the petitioner is aggrieved on the closure of the case, he can very well file his



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objections by way of protest petition. The concerned Court shall consider the same independently and pass orders on merits and in accordance with law.

6. With the above directions, the Criminal Original Petition stands disposed of.

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Index: Yes/No
Speaking / Non-speaking order
Neutral citation : Yes/No
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To

1.The Sessions Judge,
Special Court for trial of Cases under SC/ST (POA) Act,
Salem.

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Chennai – 600 004.

3.The Superintendent of Police,
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6.The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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