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CrI.O.P.No.9480 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.9480 of 2026

N.Palanisamy

... Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pollachi, Coimbatore District.
- 3.The Inspector of Police,
Vadakkipalayam Police Station,
Coimbatore District.
Crime No.35 of 2026
- 4.The Inspector of Police,
CBCID,
Coimbatore District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the first respondent to transfer the case in Crime No.35 of 2026 on the file of the third respondent to fourth respondent.



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For Petitioner : Mr.S.Bharanidharan
For Respondents : Mr.R.Rajasekaran
Government Advocate (Crl. Side)

ORDER

The petitioner/injured victim in Crime No.35 of 2026 lodged a complaint against four persons for the offence under Sections 126(2), 129, 118(1), 115(2), 351(1) and 303(2) of BNS.

2.The case as per FIR is that on 21.02.2026 information was received from Government Hospital, Pollachi, the respondent Police went there, recorded the statement of petitioner/defacto complainant and assigned C.S.R.No.32/2026. The petitioner/complainant is employed as Butcher. On 20.02.2026 at about 11.00 p.m., he went to TASMACH shop at Vadakkipalayam and purchased a quarter bottle of alcohol, which he consumed there and later, when he was about to leave in his TVS Excel 100 bike bearing registration No.TN-99-S-3501, the bar owner Ganesan along with three other individuals restrained him and forcibly took his bike. The petitioner questioned the same and he was asked to stand near the bathroom



where his shirt and dhoti was removed, at that time, Ganesan along with Pratap, Ilaiyaraaja and another person, all joined together, took a beer bottle and started assaulting the victim indiscriminately. The said Ganesan questioned the victim about return of Rs.10,000/- which was borrowed by the petitioner's father. Thereafter, Ganesan took away the petitioner's mobile phone, two-wheeler and dropped him off at his house in his Scooty bike. The victim, unable to bear the pain, called 108 ambulance and was subsequently admitted to the hospital.

3.The contention of the learned counsel for the petitioner is that the petitioner/victim belongs to Scheduled Caste Arundhathiyar community. His father previously obtained loan from Ganesan, owner of TASMACH shop at Vadakkipalayam. The petitioner's father died before repaying the full loan amount. The said Ganesan visited the house of the petitioner and threatened him with dire consequences to repay the loan amount. The petitioner took steps to repay the principal amount but Ganesan demanded exorbitant interest and abused the petitioner using his caste name. The petitioner in his complaint stated about Ganesan and others calling the petitioner by his caste name on several occasions and beaten him indiscriminately. The petitioner



suffered injuries but the Sub-Inspector of Police Kumaresan conveniently left out the abuse using caste name and registered FIR. Hence Kumaresan, Sub-Inspector of Police is punishable under Section 4(2)(a)(b) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. In this case, Investigating Officer to be nominated as per Rule 7 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Rules and investigation to be continued. The respondent police not taken any steps to collect CCTV footage from the place of occurrence, only to save the accused. The petitioner sent a representation to the Superintendent of Police on 28.02.2026 giving all facts and also how he was beaten badly and abused since he belonged to Scheduled Caste community, but thereafter no action taken. The petitioner also submitted a complaint to the District Collector on 09.03.2026 which was forwarded to the Deputy Superintendent of Police Pollachi, but no action taken which is in clear violation of the directions given by the Apex Court in the cases of *Hari and another vs. State of Uttar Pradesh* reported in *2021 (17) SCC 111*, *Mithilesh Kumar Singh vs. State of Rajasthan and others* reported in *(2015) 9 SCC 795* and *Royden Harold Buthello and another vs. State of Chhattisgarh and others* reported in *2023 SCC Online SC 204* that when there is a reasonable apprehension about



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justice about justice becoming a victim because of shabby and partisan investigation that the Court may step in and exercise its extraordinary powers. Discovery of truth is the ultimate purpose of any investigation and who can do it better than an agency that is independent.

4.The learned Government Advocate (Crl. Side) submitted that on receipt of information from Government Hospital, Pollachi, the Police visited the hospital, recorded the statement of petitioner and thereafter CSR.No.32/2026 assigned. The petitioner signed and his mother affixed thumb impression and thereafter FIR registered. He would submit that the petitioner is now influenced and forced by Tamil Puligal Katchi, the District Secretary of the Party sent representation as though Bar owner Ganesan and Nagoor Goundar along with two others assaulted the petitioner who belonged to Scheduled Caste community. The respondent Police took up investigation and visited the scene of occurrence on 26.02.2026, examined the witnesses, prepared observation mahazar, rough sketch and seizure mahazar. The two wheeler of the petitioner and beer bottle collected from the scene of occurrence. A3 Ilayaraja in this case was arrested and produced for remand. As regards the other three accused, they obtained anticipatory



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bail from the Principal District and Sessions Court, Coimbatore vide

Crl.M.P.No.878 of 2026 dated 12.03.2026. In this case, the Doctor who

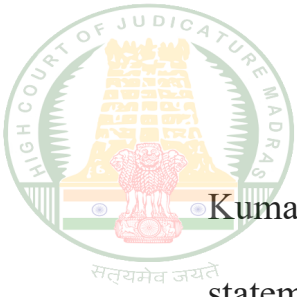
treated the petitioner/victim examined, Accident Register copy and medical report collected. The Doctor confirmed that the petitioner sustained simple injury. Now investigation is at the advanced stage, after collecting the community certificate and other documents soon charge sheet to be filed. At this stage, filing the present petition making wild allegations is not sustainable. Hence, prayed for dismissal.

5.This Court not satisfied with the explanation given by the learned Government Advocate (Crl. Side), called for Case Diary. On perusal, it is seen that complaint was received from the petitioner while he was taking treatment in the Government Hospital, Pollachi. The Accident Register confirms that there is an edema in the upper lip, laceration over left knee, non-bleed nasal edema and other injuries. The respondent police assigned CSR.No.32/2026 and thereafter filed FIR in this case. In the presence of one Murugan and Karuppusamy, Samsung keypad mobile phone of the petitioner, two numbers of 650 ml empty beer bottles and TVS XL 100 bike bearing registration No.TN-99-S-3551 seized 26.02.2026 at about 5.00 p.m.



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The observation mahazar and rough sketch recorded in the presence of witnesses. LW2/Muruganandham is an eyewitness for the assault made by the accused in this case. On 27.03.2026, one of the accused Ilayaraja was arrested and produced for remand. A complaint was also received from the District Manager, TASMAL regarding selling of liquor bottle beyond the prescribed time against the bar owned by A1 Ganesan. A1, A2 and A4 in this case obtained anticipatory bail in Crl.M.P.No.878 of 2026 dated 12.03.2026 from the Principal District and Sessions Court, Coimbatore. Dr.Arunkumar, who treated the petitioner was examined on 09.05.2026 and his statement recorded. Thereafter, Kumaresan Sub-Inspector of Police transferred and R.Selvaraj took up investigation on 11.05.2026. From the above, it is seen that there is no serious investigation. Further, it is seen that there is yet another statement of the petitioner dated 23.02.2026 wherein it is recorded that he was assaulted and abused using his caste name. The petitioner also given representation suspecting the death of his father and given complaint to the Deputy Superintendent of Police. Further in the Case Diary, statement of one H.Karthick is found absolving the presence or attack by the said Ganesan, bar owner. A statement of one Marimuthu is also found but it pertains to some other facts. It is seen that after registration of case by



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Kumaresan, except for visiting the scene of occurrence, recording the statement of four witnesses and after the arrest of A3, who also belongs to Scheduled caste community, there is no investigation thereafter. It appears that angle of atrocities under SC/ST Act not been focused. The accused who obtained anticipatory bail not properly complied with the conditions. The Case Diary is with bunch of papers confirming no proper investigation. Hence, this Court finds continuation of investigation by the present Investigating Officer will not be proper and the victim apprehension of denial of justice requires consideration.

6.In view of the same, this Court finds that it would be appropriate to transfer the investigation to the file of the Deputy Superintendent of Police, Pollachi, Coimbatore District who shall take up investigation and conduct detailed enquiry including the angle of caste atrocities and thereafter to file a final report in this case without any delay preferably within a period of three months from the date of receipt of a copy of this order.



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7. With the above directions, the Criminal Original Petition stands allowed.

16.06.2026

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

cse

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5. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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