



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 33328 of 2025
and Crl.M.P.No.23248 of 2025**

P.M.Thangavel
S/o.Late. P.Muthusamy,
Additional Superintendent of Police,
Crime against Women and Child,
Erode- 638 001, Erode District.

..Petitioner(s)

Vs.

1. The State of Tamilnadu
Rep. by The Superintendent of Police,
District Police Office,
Salem - 636 001, Salem District.
2. The Deputy Superintendent of Police
Sankari Sub Division,
Crime No. 367/2019.
(Edappadi Police Station),
Salem District.
3. Malarkodi
W/o.Palanisamy,
5/59-A, Puttamanai, Malankadu,
Devannagoundanoor, Sankari Taluk,
Salem District.
(R3 impleaded as per the order of this Court
dated 11.06.2026)

..Respondent(s)

PRAYER:Criminal Original Petition filed under Section 528 of BNSS, to expunge the adverse remarks made against me in Para No.37 of the Judgement 29.09.2025 made in Spl.S.C.No.24 of 2020 on the file of the Learned Sessions Judge, the Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Salem by allowing this Criminal Original Petition.



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For Petitioner(s):

For Respondent(s):

Mr.N.Manokaran

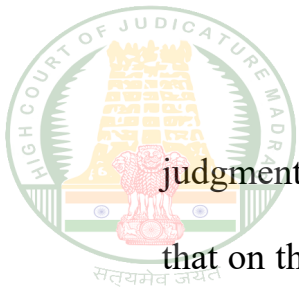
Mr.R.Rajasekaran

Counsel for Government of Tamilnadu
(Criminal Side) for RR1 & 2

ORDER

The petitioner who is P.W.10 – Investigating Officer in Crime No.367 of 2019 registered for the offences under Sections 376 and 511 of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002, had prepared the charge sheet and made it ready on 18.11.2019, however, the said charge sheet has been presented before the Sub Court only on 29.09.2020 and thereby cautioned delay of nearly 10 months. Hence the Trial Court in its Judgment dated 29.09.2025 in paragraph No.37 had given a direction to the Superintendent of Police concerned to take action against the petitioner under Section 4 of the SC and ST (PoA) Act, 1989 (in short ‘the Act’). Against which the present petition has been filed.

2. The learned counsel for the petitioner would submit that the petitioner was nominated as Investigating Officer as per Rule 7 (i) of the Act to conduct investigation, by the Superintendent of Police, Salem District vide the proceedings dated 29.09.2019. The petitioner took up the investigation and made ready the charge sheet on 18.11.2019, listing 12 witnesses and documents. Thereafter, before the Trial Court, witnesses, P.W.1 to P.W.10 were examined and documents, Exs.P1 to P9 were marked and the Trial Court rendered the



judgment of conviction as against the accused – Manikandan. He further submit that on the conviction of the Trial Court, the accused preferred an appeal before this Court in Crl.A.No.1591 of 2025. During the pendency of the appeal, compromise was reached between the parties and recording the same, the appeal was allowed, acquitting and discharging the accused from the charges.

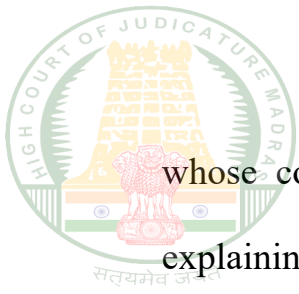
3. Under the above circumstances, the learned counsel for the petitioner submits that the observations made in Paragraph No.37 of the judgment dated 29.09.2025 have lost its relevance in view of the subsequent developments. It is contended that the said observations have become merely incidental and no longer survive for further consideration, particularly when the conviction recorded by the Trial Court has subsequently been set aside by this Court in Crl.A.No.1591 of 2025 on the basis of compromise entered into between the parties. In any event, continuation of the impugned direction would seriously prejudice the petitioner and adversely affect his service career and future prospects.

4. The learned counsel for the petitioner further referring to paragraph No.28 of the Trial Court Judgment dated 29.09.2025 would submit that the Trial Court has recorded that the investigation was completed by the petitioner – P.W.10 on 18.11.2019, however, the same was filed before the Court on 29.09.2020. Though as per the proceedings dated 29.09.2019 – Ex.P.9, the



Superintendent of Police, Salem District nominated the petitioner to carry out the investigation, as per Rule 7 (ii) of the Act, investigation has to be completed and charge sheet has to be filed within a period of 60 days from the date of nomination of the Investigating Officer. The petitioner had completed the investigation and prepared the final report well within time. The subsequent delay in presentation of the charge sheet before the jurisdictional Court was attributable to administrative and procedural reasons beyond the control of the petitioner and therefore no culpability can be fastened upon him.

5. He would further submit that when the petitioner was examined as P.W.10, no such question was put before him, questioning the delay in filing the charge sheet and for what reason delay has occurred, there is no reference. It is only on the submission of the learned Special Public Prosecutor made before the Trial Court, the learned Trial Judge had made such observations, that too without putting the petitioner on notice, an adverse order has been passed as against the principles of natural justice. In support of his submission, the learned counsel for the petitioner had relied upon the Judgment of the Hon'ble Apex Court in the case of *State of UP Vs. Mohammad Naim* reported in *1963 SCC OnLine SC 22* and referred to paragraph No.11 wherein it has been judicially recognised that in the matter of making disparaging remarks against persons or authorities whose conduct comes into consideration before courts of law in cases to be decided by them, it is relevant to consider, (a) whether the party



whose conduct is in question is before the court or has an opportunity of explaining or defending himself; (b) whether there is evidence on record bearing on that conduct, justifying the remarks; and (c) whether it is necessary for the decision of the case, as an integral part thereof, to animadvert on that conduct. It has also been recognised that judicial pronouncements must be judicial in nature, and should not normally depart from sobriety, moderation and reserve.

6. Further, the learned counsel for the petitioner referred to the Judgment of the Hon'ble Apex Court in the case of ***Om Prakash Chautala Vs. Kanwar Bhan and Others*** reported in ***(2014) 5 SCC 417*** wherein in paragraph No.7, it was observed that the observations and the directions are wholly unsustainable when the appellant was not impleaded as a party to the proceeding and further they are totally unwarranted for the adjudication of the controversy that travelled to the Court.

7. The learned counsel for the petitioner would submit that, in sum and substance, the settled judicial principle governing the making of disparaging remarks against a person is that no adverse or condemnatory observations ought to be made unless such person is before the Court, has been afforded an opportunity of being heard, and the remarks are necessary for the adjudication of the issues involved in the case. The Hon'ble Supreme Court has repeatedly



held that judicial restraint is required while making observations which may adversely affect the reputation, service career, or future prospects of an individual.

8. The learned counsel for the Government of Tamil Nadu (Criminal Side) would fairly submit that the Trial Court had, in fact, convicted the accused on the basis of the evidence adduced before it. It is also not in dispute that the accused preferred an appeal before this Court in Crl.A.No.1591 of 2025 and during the pendency of the appeal, compromise was arrived at between the parties. Recording the said compromise, this Court allowed the appeal and acquitted the accused of all the charges. The learned counsel would further submit that the acquittal was not on account of any defect in the investigation or because of the delay in filing the charge sheet, but solely on the basis of the subsequent settlement reached between the parties.

9. In view of the above, this Court by following the Judgments of the Hon'ble Apex Court in *Mohammad Naim's case* (cited *supra*) and *Om Prakash Chautala's case* (cited *supra*) find that the observations made by the Trial Court in its Judgment dated 29.09.2025 made in Spl.S.C.No.24 of 2020 is without any justification and without giving an opportunity of hearing to the petitioner, passed such remarks and also gave a direction to the Superintendent of Police, Salem District, to take action against the petitioner is unwarranted and



cannot be sustainable in law. Hence, this Court set aside the observations made in paragraph No.37 of the Judgment dated 29.09.2025 made in Spl.S.C.No.24 of 2020.

10. Since the issue involved in the present case pertains only to the adverse observations made against the petitioner, no prejudice would be caused either to the de facto complainant or to the accused by adjudication of this petition.

11. In the result, this Criminal Original Petition stands allowed.

11-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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Salem - 636 001.
Salem District.
2. The Deputy Superintendent of Police
Sankari Sub Division,
Crime No. 367/2019.
(Edappadi Police Station),
Salem District.
3. The Public Prosecutor
High Court of Madras.



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M.NIRMAL KUMAR, J.

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