



Crl.O.P.(MD)No.2112 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **04.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.2112 of 2026
& CrI.M.P.(MD)No.2379 of 2026

Arumuga Nainar

... Petitioner

Vs.

1. The Additional Director General of Police,
Crime Branch Crime Investigation Department (Cbcid),
No. 220, Pantheon Road,
Egmore, Chennai-600 008.
2. The Superintendent of Police,
Crime Branch Criminal Investigation Department (Cbcid),
South Zone,
No. 220 Pantheon Road,
Egmore, Chennai-600 008.
3. The Superintendent of Police,
Kanyakumari, Kanyakumari District.
4. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No. 654 of 2025)

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to transfer the investigation in Crime No. 654 of 2025 on the file of respondent no.3 to the 1st respondent office for conducting fair and impartial investigation within a stipulated period that may be fixed by this Court.



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For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.)

ORDER

This petition has been filed seeking to transfer the investigation in Crime No. 654 of 2025 on the file of the third respondent to the first respondent office for conducting fair and impartial investigation within a stipulated period that may be fixed by this Court.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the defacto complainant, on whose instance, the FIR in Crime No. 654 of 2025 was registered under Section 194 of BNSS, 2023 with respect to the suspicious death of his daughter. However, there is no progress in the investigation so far. He further submitted that initially, a complaint was lodged as against the Manager of the deceased who had sexually exploited her, thereby abetting her to commit suicide in workplace. He also, by deception, extracted the jewelry and money belonging to her.



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3. The learned counsel appearing for the petitioner further contended that the allegations clearly attract the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, however, the investigation has not been conducted by an officer of the rank of Superintendent of Police, as mandated, and the matter continues to remain pending without proper progress. He further pointed out that, after registration of the FIR, the 4th respondent police altered the offence from Section 194 to Section 108 of the BNSS, 2023, which is punishable with imprisonment for a term extending up to ten years. In such circumstances, the offence ought to have been registered under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, as the punishment prescribed is ten years or more. Since the said statutory requirement has not been complied with and the appropriate provisions of the SC/ST (Prevention of Atrocities) Act have not been invoked, the petitioner has been constrained to file the present petition.

4. Per contra, the learned Government Advocate appearing for the respondent police submitted that the offence has been altered to Section 108 of BNSS, 2023, corresponding to Section 306 of the IPC. It was further submitted that the accused has been absconding since 15.01.2026. The learned



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Government Advocate also submitted that the case has already been transferred to the file of the Deputy Superintendent of Police, SJ&HR (Social Justice and Human Rights), Nagercoil, vide proceedings dated 13.01.2026 in C.No.07/SP KKI/Camp/2025, and that further investigation is in progress.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. Considering the facts and circumstances of this case, this Court makes it clear that the Investigating Officer, ie., the Deputy Superintendent of Police, SJ&HR (Social Justice and Human Rights), Nagercoil, shall forthwith examine the applicability of the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and incorporate the appropriate provisions, if attracted, in accordance with law. The Investigating Officer is further directed to complete the investigation as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. The third respondent is directed to monitor the investigation conducted by the said Investigating Officer to ensure due compliance with the above directions.



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7. Accordingly, this Criminal Original Petition is disposed of with a direction to the Deputy Superintendent of Police, SJ&HR (Social Justice and Human Rights), Nagercoil, to appraise the progress of the investigation to the third respondent every Friday. Consequently, connected miscellaneous petition is closed.

04.02.2026

NCC : Yes / No

Index : Yes / No

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TO:-

1. The Additional Director General of Police,
Crime Branch Crime Investigation Department (Cbcid),
No. 220, Pantheon Road,
Egmore, Chennai-600 008.
2. The Superintendent of Police,
Crime Branch Criminal Investigation Department (Cbcid),
South Zone, No. 220 Pantheon Road, Egmore, Chennai-600 008.
3. The Superintendent of Police,
Kanyakumari, Kanyakumari District.
4. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To:-

1. The Deputy Superintendent of Police,
SJ&HR (Social Justice and Human Rights), Nagercoil.



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L.VICTORIA GOWRI, J.

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Order made in
Crl.O.P.(MD)No.2112 of 2026

Dated
04.02.2026