

CrIOP(MD)No.7419 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 17.04.2026
Pronounced on : 19.06.2026

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrIOP(MD)No.7419 of 2026
and
CrIMP(MD)No.8017 of 2026

1.Jayaram Venkatesan

2.V.Suresh

... Petitioners

Vs.

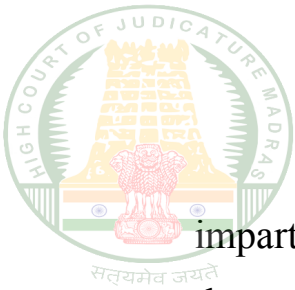
1.The Inspector General of Police,
Crime Branch Crime Investigation Department (CBCID),
No.220, Pantheon Road,
Egmore,
Chennai – 600 008.

2.The Inspector of Police,
Office of the Inspector of Police (CBCID),
Tirunelveli, Tirunelveli – 627 007.

3.The State of Tamil Nadu rep
by the Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District,
[Crime No.593 of 2025]

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, to transfer the investigation in Crime No.593
of 2025 from the 3rd respondent to the 2nd respondent for a fair and



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impartial inquiry and consequently direct the 1st respondent to supervise the same file a report within a time frame fixed by this court.

For Petitioners : Mr.Henri Patric Tiphange
For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

The first petitioner is the convener of an organisation and the second petitioner is an advocate. They have filed this application under Section 528 of the BNSS seeking to transfer the investigation in Crime No.593 of 2025 from the file of the third respondent police to the second respondent CB-CID.

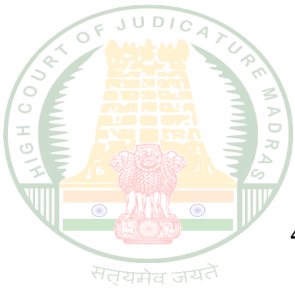
2.The first petitioner is the convener of an organisation, viz.“Arappor Iyakkam”. This organisation has conducted a meeting in a marriage hall at Palayamkottai on 02.11.2025 to address the grievances of the residents and farmers affected due to illegal stone quarrying activities in Tirunelveli district. This meeting was chaired by the second petitioner, Dr.V.Suresh, a Senior Advocate practicing before the Principal Seat of the Madras High Court at Chennai. Along with them, a panel of experts from various fields were present to know the grievances of the farmers affected due to illegal quarrying operations. According to the petitioners, a group of lawyers entered into the meeting hall at around 11:25 am on that day with an intention to



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create problems and to stop the meeting. They claimed themselves to be representatives of the quarry operators and they have shouted at the participants and created a problem. The second petitioner has attempted to pacify the lawyers and assure them of an audience in the meeting. However, according to the petitioners, one of the participants, namely one Dharmaraj was slapped and assaulted by an advocate. The said advocate has also thrown a chair which caused head injury to the second petitioner. The petitioners claim that the police personnel were present at the place of occurrence and they remained as mute spectators and did not take any steps to prevent this incident.

3. According to them, a group of 25 to 30 lawyers deliberately, intentionally and violently attacked the organisers of the meeting in order to stall the meeting. It is also stated that the organisers, farmers and volunteers present at the meeting did not retaliate to the lawyers who created problems. However, the police who were present when the above incident took place did not take any steps to prevent this incident. Despite the panic created by the advocates, the petitioners and their team remained in the hall and received representations from the affected villagers and concluded the meeting at 2:30 pm.

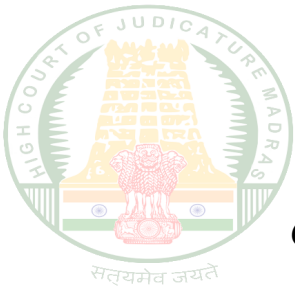


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4.The first petitioner claims that he lodged an e-complaint through the Online Complaints Portal to the third respondent police about the above incident in Ref. No.RTJ25554536. However, his complaint was not acted upon. Instead the third respondent police registered a suo moto case in Crime No.593 of 2025 on 02.11.2025 as against five named advocates under sections 296(b) and 115(2) of the BNS. Since the third respondent has not acted upon their complaint and also diverted the issue by registering a suo moto FIR, the petitioners have filed this application seeking transfer of investigation in Crime No.593 of 2025 from the file of the third respondent police to the second respondent.

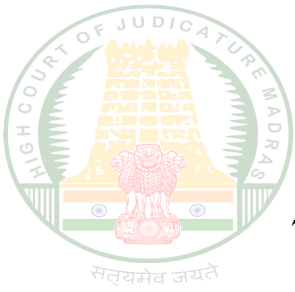
5.The learned counsel appearing for the petitioners submits that the investigation has been carried out in a defective manner and the first information report has been deliberately registered in a vague manner by omitting all material details. He submits that the third respondent police did not record the statement of the petitioners or the other participants who were present at the place of occurrence. He also submits that the second petitioner suffered a head injury during the above incident and has enclosed the medical reports in support of the same in the typed set of papers. He further submits that the video recordings and photos of the incident were not collected and considered during the investigation. Hence, he prays for appropriate orders.



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6.The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioners have organized a meeting against illegal quarry operations in Tirunelveli district on 02.11.2025 and in that meeting, one group offered their opinion against the stone quarries and another group offered their opinion in favour of the same. One Jeyaganesh, the Head Constable and 2 other police personnel were on bandobust duty near the marriage hall on a patrol vehicle and they were called into the meeting hall by the members of the petitioner organisation due to the commotion. The police personnel asked both groups to sit on their chairs and express their views. The police also informed about this incident to the Inspector of Police, Palayamkottai and immediately the Inspector of Police, Palayamkottai Police Station arrived to the marriage hall, enquired both parties, corrected the situation and instructed everyone to disperse peacefully. In the meantime, one side threw a plastic chair on the other side which hit a person in the meeting. On the complaint of Jeyaganesh, the Head Constable, the Sub Inspector of Police has registered a case in Crime No.59 of 2025 for the offences under Sections 296(b) and 115(2) of the BNS. They also identified the names of the advocates who created problems and a case was registered against those five advocates.

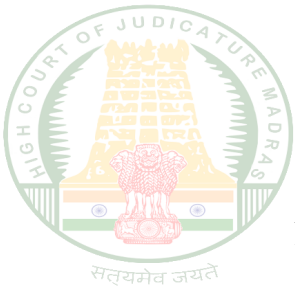


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7.He would further submit that the Inspector of Police, Palayamkottai completed the investigation in Crime No.59 of 2025 and filed a final report before the learned Judicial Magistrate-I, Tirunelveli through e-filing and the same is yet to be taken on file. He further submits that since a case regarding the occurrence was already registered by the third respondent police and the final report has been filed, there is no necessity for any investigation by the CB-CID and therefore, this application is liable to be dismissed. The Inspector of Police, Palayamkottai Police Station has also filed a counter affidavit stating that the petitioners did not cooperate with the third respondent police to record their statements, that there were no materials to show that the second petitioner had undergone treatment and that the statements of participants were not recorded as the statements of the official witnesses was sufficient in the present case.

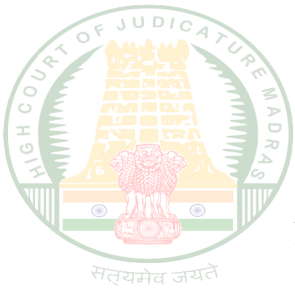
8.Considering the rival submissions made, this court has directed the third respondent police to circulate the case diary in Crime No.593 of 2025 and the same has been circulated by the learned Additional Public Prosecutor.

9.This court considered the rival submissions and also perused the materials placed on record.



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10.The first petitioner has organized a meeting at Tirunelveli on 02.11.2025 at Rose Moahal, Kokkirakulam to know the grievances of those who are affected on account of illegal quarry operations at Tirunelveli. It appears that a panel of experts, including the second petitioner, an advocate has attended the meeting. The meeting appears to have commenced at 10.00 am and 2 farmers expressed their views and before one Dharmaraj, Vice-President of the Idaikal Panchayat could express his views, around 25 to 30 advocates have entered the meeting hall, created a problem and assaulted the second petitioner. In this regard, the first petitioner / the organiser of the meeting had lodged an e-complaint to the third respondent on the same day around 5.00pm. The grievance of the petitioner is that without considering his complaint, a case has been registered through a Head Constable who was on patrol duty at the place of occurrence. It is an admitted case that one of the advocates has thrown chairs which caused injury to the second petitioner and the police were present at the time of occurrence. However, the police did not prevent the occurrence. The petitioners claim that the entire incident has been captured in the videos and mobile phones and that the press and media personnel have also captured the incident in their cameras. However, without collecting any of those materials and without ascertaining the real incident, a case has been registered.



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11.The petitioners have organized an indoor meeting in a marriage hall.

The meeting is intended to hear the grievances of the farmers who are affected due to quarry operations. In fact, public hearing of the residents is a mandatory legal requirement before the grant of quarry licence. However, such requirements are not complied with in a strict manner. The petitioners organisation has registered the participants through volunteers. According to them, around 100 farmers from Irukankulam, Radhapuram, Vadakkankulam, Thathanuthu, Thazhaiuthu, Mukkoddal and several other villages have participated in the meeting. The named accused and others claiming to be advocates representing the quarry owners have entered the meeting hall without registering themselves and said to have created problem in order to disturb the meeting. The third respondent police is taking a stand that there was exchange of views between two groups in the meeting. It appears a group of advocates entered as the representatives of the quarry operators and created problems. When the entire scenario has been captured on video cameras and photos, the police ought to have collected the same and ascertained, who is the aggressor and their intentions.

12.The first petitioner/ organiser of the meeting has lodged a complaint and it is not known as to why a case been registered by collecting a complaint from the constable, when the injured was very much available at the spot.



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Perusal of the Case Diary reveals that the third respondent did not record the statement of the petitioners or other participants present at the meeting. The third respondent has recorded statements from the police officers and the managers of the meeting hall alone. The photo available in the CD file exposes that the press and media personnel were present at the place of occurrence even before the commotion started and that the entire episode was recorded. However, those recordings have not been collected for reasons best known to the Investigating Officer. This case was initially registered for the offences under Sections 115(2) [voluntarily causing hurt] and 296(b) [using obscene words in public place] of the BNS. However, the same has been altered on 14.04.2026 to offences under Sections 132 [Use of criminal force on public servant], 189(2) [Unlawful Assembly] and 296(b) [using obscene words in public place] of the BNS that there is no proof that the injured person had taken any treatment for their injury. The second petitioner, a senior Advocate is practicing in the Madras High Court, who attended the meeting has been assaulted with a chair. He claims that he suffered a head injury and has taken a CT scan and medical treatment for the same. The investigating agency has not taken any steps to examine the injured person or verify the recordings and has filed the final report in a hurried manner to close the case with some ordinary offences.



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13.The State is expected to defend the victims. It is the state alone that has been provided with the power of investigation. The purpose of investigation is to find out the truth. However in this case, it appears that the third respondent has acted in a biased manner and conducted investigation by not even examining the organisers, participants, media personnel and the injured person and has hurriedly filed a final report. The right to a fair investigation is also a fundamental right accrued on the victim under Article 21 of the Constitution of India. This court is of the view that the investigation has not been conducted in a fair manner in the present case.

14.When this case was taken up for hearing, the learned Additional Public Prosecutor submits that the final report has been filed before the learned Judicial Magistrate No.1, Tirunelveli and it is yet to be taken on file by the concerned court. Even if this defective final report is taken on file, the same needs to be returned by the learned Judicial Magistrate concerned.

15.In light of the above discussion, this court is of the opinion that this is a fit case for transfer of investigation and the Commissioner of Police, Tirunelveli shall get back the final report from the file of the learned Judicial Magistrate No.1, Tirunelveli and forward the same along with the file in



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Crime No.593 of 2025 to the first respondent within a period of two weeks from the date of receipt of a copy of this order. The first respondent upon receipt of the said file, shall entrust the investigation of the same either to the second respondent or to some other honest investigating officer and ensure that the investigation is conducted in a fair and proper manner. Further, the first respondent shall also ensure that the final report in Crime No.593 of 2025 is filed within a period of three months therefrom.

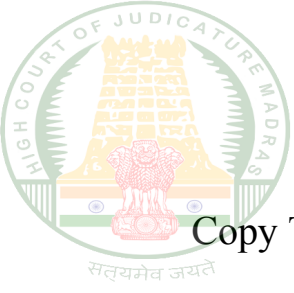
16. With the above directions, this criminal original petition is allowed.

Connected miscellaneous petition is also closed.

19.06.2026

DSK
To

1. The Judicial Magistrate,
No.1, Tirunelveli.
2. The Inspector General of Police,
Crime Branch Crime Investigation Department (CBCID),
No.220, Pantheon Road, Egmore,
Chennai – 600 008.
3. The Inspector of Police,
Office of the Inspector of Police (CBCID),
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4. The Inspector of Police,
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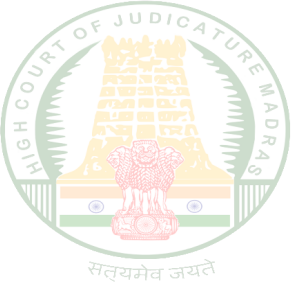
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- 1.The Commissioner of Police,
Tirunelveli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

DSK

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