

Crl.OP(MD).No.11824 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 16.07.2026

PRONOUNCED ON : 29.09.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

CRL OP(MD) NO. 11824 of 2026

{CNR: HCMD010743352026} Case
QR

and

Crl.M.P(MD)Nos.11709 and 11710 of 2026

Krishnakumari

...Petitioner/Accused No.3

Vs

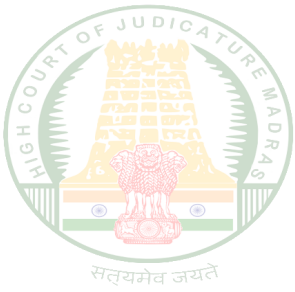
1. The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
CBCID, Tirunelveli District.
(In Crime No.01/2025)

...1st Respondent/Complainant

2. Tamil Selvi

....2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the entire records pertaining to the impugned charge sheet filed in SC No.120/2025 on the file of the Additional District Court No.II for PCR Act Cases, Tirunelveli and quash the same as illegal.



Crl.OP(MD).No.11824 of 2026

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For Petitioner : Mr.S.Ananth
For Respondents : Mr.R.John Sathyan
State Public Prosecutor Assisted
by Mr.P.Samuel Gunasingh
Government Advocate (Crl.side) for R1
:Mr.B.Mohan for R2

ORDER

The petitioner, arrayed as the 3rd accused in S.C.No.120 of 2025 on the file of the II Additional District Court (PCR Act Cases), Tirunelveli, has invoked the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the final report, in and by which she has been charged with the offences punishable under Sections 103(1), 238(a) and 249(a) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended by the Amendment Act, 2015.

(A) The case of the prosecution, in brief:

2.The deceased, a young man aged about 27 years belonging to a Scheduled Caste, was hacked to death at about 14.19 hours on 27.07.2025 at



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Sri Lakshmipuram, K.T.C. Nagar, Tirunelveli. According to the prosecution, the occurrence was the outcome of the relationship between the deceased and the daughter of the petitioner. The 1st accused is the son of the petitioner, the 2nd accused is her husband and the 4th accused is a close relative.

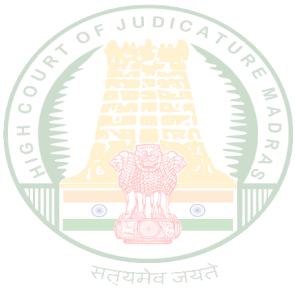
3.The allegations levelled against the petitioner in the final report may be summarised thus:

(a) The petitioner came to know of the relationship between the deceased and her daughter during the academic year 2016-2017, whereupon she contacted the mother of the deceased over phone, informed her of the relationship and warned her.

(b) During the academic year 2018-2019, when her daughter was pursuing the second year of the B.S.M.S. course, the petitioner once again contacted the mother of the deceased over phone and warned her regarding the relationship.

(c) On 27.07.2025 at 14:25:49 hours, the petitioner was informed of the occurrence by the 2nd accused, and she, in turn, passed on the information to her daughter at about 14:27:43 hours and to the 4th accused at about 14:36:28 hours.

(d) Thereafter, the petitioner went to the vicinity of Saradha



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Crl.OP(MD).No.11824 of 2026

College, met her son, the 1st accused, and instructed him to destroy his clothes, damage his mobile phone, remove the number plate of the two-wheeler and take shelter at Sri Ram Blue Metals, a quarry run by the 4th accused.

4. On the strength of the above allegations, the petitioner has been charged with the offences referred to supra.

(B) Submissions of the learned counsel on either side:

5. The learned counsel appearing for the petitioner would submit that the petitioner is a woman aged about 49 years; that she is not alleged to have been present at the scene of occurrence; that she is not alleged to have had any prior knowledge of the design; and that no overt act whatsoever in the commission of the principal offence has been attributed to her. According to the learned counsel, the entire case against the petitioner is confined to her conduct after she was informed of the occurrence by the 2nd accused.

6. With regard to the alleged warnings, the learned counsel would submit that the petitioner denies having warned the mother of the deceased on either occasion, and that the statement of the mother of the deceased, on which the prosecution places reliance, does not itself speak of any warning. It is further contended that the final report does not reproduce even a single

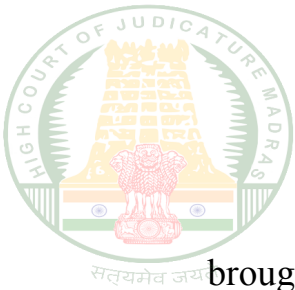


Crl.OP(MD).No.11824 of 2026

word said to have been spoken by the petitioner, and that the expression 'warned' is merely the conclusion of the Investigating Officer, unsupported by any material.

7.As regards the alleged meeting and the instructions said to have been given, the learned counsel would contend that there is no eyewitness, no recording and no independent material whatsoever. The meeting is inferred solely from the circumstance that the mobile phones of A1, A2 and the petitioner were connected to the same cell tower, and the instructions are, in turn, inferred from that assumed meeting. Thus, according to the learned counsel, the prosecution has built one assumption upon another.

8.Per contra, the learned State Public Prosecutor appearing for the 1st respondent strongly opposed the petition and submitted that the materials collected during investigation give rise to a grave suspicion against the petitioner. It was pointed out that the petitioner informed the 4th accused within minutes of the occurrence, which is a telling circumstance, and that such matters can be tested only during trial. It was further submitted that specific overt acts have been alleged against the petitioner and that, having regard to the gravity of the allegations, this Court ought not to interfere at this stage by quashing the final report. The learned State Public Prosecutor also



Crl.OP(MD).No.11824 of 2026

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brought to the notice of this Court that the petitioner had been absconding for a considerable period and was arrested only recently.

9.The learned counsel appearing for the 2nd respondent/defacto complainant adopted the arguments of the learned State Public Prosecutor and submitted that the defacto complainant, a mother who has lost her son, ought not to be deprived of a trial on merits. It was further pointed out that the petitioner had telephoned the mother of the deceased and warned her on more than one occasion and, hence, the petitioner must be made to face trial. It was also contended that this Court cannot conduct a mini trial while exercising its jurisdiction in a quash petition.

10.This Court has heard the learned counsel appearing on either side and perused the final report and the materials placed on record.

(C) Discussion:

11.The first allegation against the petitioner is that she had warned the mother of the deceased over telephone during the academic years 2016-2017 and 2018-2019. The material relied upon in support of this allegation is the statement of the mother of the deceased herself (L.W.1). A reading of that statement as a whole shows that the petitioner telephoned her and asked that the deceased should not speak to her daughter, and the mother of the



Crl.OP(MD).No.11824 of 2026

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deceased made a corresponding request in return. The petitioner is then said to have angrily remarked that she had spent a large sum on her daughter's medical education and that the deceased should not come within her sight, following which the call ended abruptly. On a later occasion, the daughter of the petitioner is said to have telephoned the mother of the deceased and requested her not to take the matter seriously, to which the mother of the deceased is stated to have replied that she should heed her own mother and should not speak to her son.

12.The said statement, taken at its highest and accepted at its face value, at best establishes a communication between two mothers concerning the relationship between their children, in which each requested the other to restrain her child. It discloses no threat, no intimidation and no words of warning. The expression 'warned' employed in the final report is only the characterisation of the Investigating Officer. Every conclusion recorded in a final report must find its foundation in the materials gathered during investigation; where the material relied upon does not support the conclusion drawn from it, such a conclusion cannot be permitted to take the place of material. In that view of the matter, this Court is unable to accept the submission that a telephonic conversation between the parents of two young



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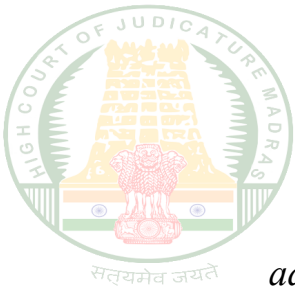
persons can, without more, be converted into an act of intimidation.

13. Something must be shown by way of words spoken or conduct. In the present case, there is nothing. That apart, these conversations are said to have taken place when the two were studying in school and, later, in the second year of college, that is, some six to nine years prior to the occurrence.

14. The second, and more serious, allegation against the petitioner is that she met the 1st accused near Saradha College and instructed him to destroy his clothes, damage his mobile phone, remove the number plate of the two-wheeler and take shelter in the quarry belonging to the 4th accused. There is no eyewitness to such a meeting. There is no CCTV footage, photograph or video recording, nor any statement of an independent witness. No person is stated to have heard the instructions. There is no audio recording, transcript, message or any other electronic material evidencing such instructions. The meeting is sought to be established solely on the circumstance that the mobile phones attributed to A1, A2 and the petitioner were connected to the same cell tower during the relevant period.

15. The Hon'ble Supreme Court, *in Rahil and another Vs. State (Government of NCT of Delhi)*, reported in **2025 SCC Online SC 1481**, has held in paragraph Nos.37 & 38 as follows:

"37. Even if the CDRs and other electronic records were



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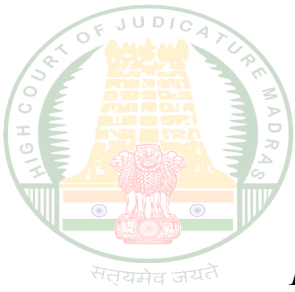
admitted in evidence they merely contain the cell tower location information, that is to say, which tower mobile phone was connected to and how long the calls lasted when it was connected to that tower. These data give an approximate area corresponding to the operational area of the cell tower and not the exact site where the phone is located.

38. In the present case, the CDRs show Rahil's phone was connected to the cell tower at Nizamuddin (Ex. PW/23 C). Cell towers can reach approximately a half mile to two miles in city location¹⁴. No evidence is led regarding the range of the said tower. It needs to be borne in mind that cell tower ranges widely vary and are dependent on a number of variables such as:-

- a) how high the antenna is over the surrounding landscape;*
- b) frequency of the signal in use;*
- c) rated power of the transmitter;*
- d) directional characteristic of the antenna array on the site;*
- e) nearby buildings and vegetation absorbing and reflecting radio energy;*
- f) local geographical or regulatory factors and weather conditions.”*

16.The Bombay High Court, *in Prabhakar Kutty Shetty Vs. The State of Maharashtra*, reported in **2026 SCC Online Bom 5123**, in paragraph No.42 has held as follows:

“42.In our considered opinion, the CDRs and Cell Tower



Crl.OP(MD).No.11824 of 2026

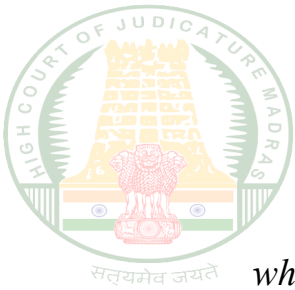
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Location relied upon by the prosecution to establish the presence of the Appellant with the deceased on the evening of 29.10.2013 cannot ascertain that the Appellant and the deceased were in each other's company all throughout that evening. This Court is also conscious of the law that the CDRs can be used only for a limited purpose of corroboration and therefore, cannot be taken into consideration independently.....”

17. Applying the above principles to the case on hand, the records relied upon by the prosecution, even if accepted in their entirety, establish only that the three mobile phones were within the wider coverage area of the same tower. They do not establish that the persons using those phones were physically together. The alleged meeting, therefore, is not made out. Even assuming that such a meeting took place, a further difficulty arises. Call detail records disclose only the fact of a communication and not its substance; they cannot reveal what was spoken. In the absence of any transcript or voice recording, mere telephonic contact cannot establish criminal complicity.

18. The High Court of Delhi, in ***Kunwarpal v. State through SHO, P.S. Special Cell***, reported in ***2024 SCC OnLine Del 1163***, in paragraph No.13 has held as follows:

“13. Applying the aforementioned principles to the case at hand, it is clear that the only evidence against the petitioner is the CDR



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which creates a suspicion but not a grave suspicion. If the CDR is considered sans the disclosure statement, there is nothing on record to link the said intercepted calls to the recovery in question. Mere CDR connectivity, without there being any conversation containing incriminating material against the petitioner, would not bring the case within the net of 'grave suspicion'.....”

19.The prosecution has thus proceeded on two successive assumptions: first, that the three accused met because their phones were served by a common tower; and second, that during such assumed meeting, the petitioner gave the particular instructions set out in the final report. Neither assumption is supported by any independent material. A charge cannot be founded upon an inference drawn from another inference.

20.The offence of causing disappearance of evidence requires that the act be done with the intention of screening the offender from legal punishment. Likewise, the offence of harbouring an offender requires that shelter or assistance be given with the intention of screening him from apprehension. Intention lies at the very core of both offences. In the present case, there is no material to show that the petitioner made any arrangement to conceal the 1st accused from the police, or rendered any assistance to him with the object of enabling him to evade arrest. The mere fact that she



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telephoned the 4th accused within minutes of the occurrence is, at best, equivocal. A mother who learns that her son is involved in a criminal case may telephone several relatives for any number of reasons, and call records, which disclose only the fact of a call and not its content, cannot supply the incriminating purpose which the prosecution is bound to establish.

21.It is not in dispute that the 2nd accused and the petitioner were in communication with each other immediately after the occurrence. The prosecution's own material shows that the 2nd accused had already informed the police (L.W.56) that the 1st accused was the person involved in the offence and was taking steps to facilitate his production before the police. In that setting, the suggestion that the petitioner, while remaining in communication with the 2nd accused, simultaneously issued instructions for acts in direct conflict with such steps is one which the prosecution's own narrative renders difficult to accept.

22.It is true that the final report further alleges that the petitioner instructed the 1st accused to take shelter at the quarry run by the 4th accused, and that the 1st accused did go there after the occurrence. The events at the quarry are sought to be established through the statements of the persons present there and the recoveries effected from those premises, which material



Crl.OP(MD).No.11824 of 2026

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has been considered in the petition filed by the 4th accused in Crl.O.P. (MD)No.1002 of 2026. As already noticed, however, no person is stated to have heard any instruction given by the petitioner. The only link sought to be drawn between the petitioner and the arrival of the 1st accused at the quarry is her telephone call to the 4th accused at 14:36:28 hours, the content of which is not known. The case of the petitioner thus stands on a footing materially different from that of the 4th accused, against whom the prosecution relies upon the statements of witnesses speaking to his conduct and upon recoveries from his own premises.

23.To attract Section 3(1)(r) of the SC/ST Act, there must be an intentional insult or intimidation of a member of a Scheduled Caste or a Scheduled Tribe with intent to humiliate such person in any place within public view. To attract Section 3(1)(s), there must be abuse by caste name, again in a place within public view. In the present case, the final report contains no allegation that the petitioner intentionally insulted or intimidated the deceased or his mother with intent to humiliate them on account of their caste. The allegations against her relate only to the two telephonic conversations said to have taken place with the mother of the deceased during 2016-2017 and 2018-2019. The final report does not reproduce the words



Crl.OP(MD).No.11824 of 2026

alleged to have been spoken during those conversations. There is no allegation that she used the caste name of the deceased, and the final report does not reproduce any caste-related word or expression whatsoever. Nor is there any call recording, transcript, electronic message or witness statement to the contrary.

24.The communications relied upon are, even on the prosecution's own showing, nothing but private telephonic conversations between two mothers. They did not take place in any place within public view. The requirement of 'public view', on which both provisions insist, is therefore absent. A communication regarding the relationship between two young persons cannot, in the absence of specific words and an intention to humiliate on the ground of caste, be treated as an intentional caste-based insult or intimidation. The essential ingredients of the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act are, therefore, not made out against the petitioner.

25.For invoking Section 3(2)(v) of the SC/ST Act, there must be a foundational basis, namely, material showing that the petitioner committed, participated in, abetted or conspired to commit an underlying offence punishable with imprisonment for a term of ten years or more against the



Crl.OP(MD).No.11824 of 2026

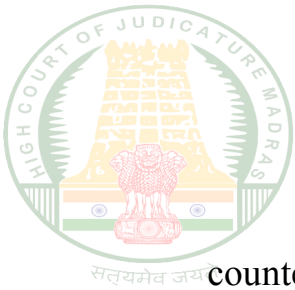
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deceased. Mere knowledge that the deceased belonged to a Scheduled Caste is not sufficient in the absence of material showing such participation.

26.No overt act in the commission of the principal offence has been attributed to the petitioner. The prosecution does not allege that she was present at the place of occurrence or that she directly participated in the act committed against the deceased. The allegations against her are confined wholly to her conduct after she was informed of the occurrence by the 2nd accused, and she is sought to be connected with the subsequent acts only through tower location data and the assumption that she met the 1st accused and gave him certain instructions.

27.There is no direct evidence, witness statement, recording or other material establishing that the petitioner participated in, or was party to, any prior plan or agreement to commit the principal offence. That apart, there is no material to show a meeting of minds between her and the 1st accused before the occurrence. The telephonic conversations of 2016-2017 and 2018-2019 took place some six to nine years before the occurrence and do not establish participation in, or agreement to, the principal offence.

28.The statement of the mother of the deceased (L.W.1) recorded under Section 180 of the BNSS, 2023, reveals only that there were requests and

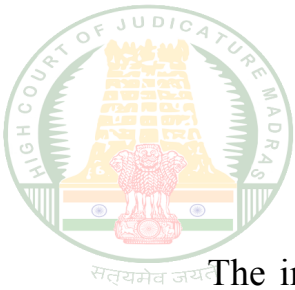


Crl.OP(MD).No.11824 of 2026

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counter-requests between the two mothers that their respective children should not continue the relationship. Such communications, even if accepted, do not constitute an offence punishable with imprisonment for ten years or more. The foundational requirement for invoking Section 3(2)(v) of the SC/ST Act is, therefore, absent.

29. In the light of the foregoing discussion, this Court is of the view that the materials placed by the prosecution, even if taken at their face value and accepted in their entirety, do not attract the provisions under which the petitioner has been implicated. The allegation that the petitioner warned the mother of the deceased is not supported by the very statement relied upon to establish it. The call detail records and tower location data do not establish that she physically met the 1st accused on the date of occurrence; and even assuming such a meeting, those records cannot establish what was spoken and, therefore, cannot establish the instructions attributed to her. There is neither allegation nor material to show that she intentionally insulted or intimidated the deceased with intent to humiliate him within public view, or that she abused him by caste name within public view. There is also no material to show that she committed, participated in or conspired to commit any underlying offence punishable with imprisonment for ten years or more.



Crl.OP(MD).No.11824 of 2026

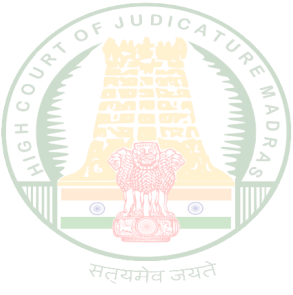
The ingredients of the offences alleged are, therefore, not disclosed against the petitioner.

30.It is made clear that the observations made hereinabove are confined to the limited purpose of examining the role attributed to the 3rd accused. The learned Trial Judge shall proceed with the trial as against the other accused uninfluenced by any of the observations made in this order. It is further made clear that this order shall not preclude the Trial Court from exercising its power under Section 358 of the Bharatiya Nagarik Suraksha Sanhita, 2023, should the evidence let in during trial disclose the complicity of the petitioner.

(D).Conclusion:

31.In view of the above discussion, this Court holds that compelling the petitioner to undergo the rigour of a sessions trial on materials of this nature would amount to an abuse of the process of Court. Accordingly, the final report in S.C.No.120 of 2025 on the file of the II Additional District Court (PCR Act Cases), Tirunelveli, stands quashed insofar as the petitioner/A3 alone is concerned. In the result, this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

29.09.2026



Crl.OP(MD).No.11824 of 2026

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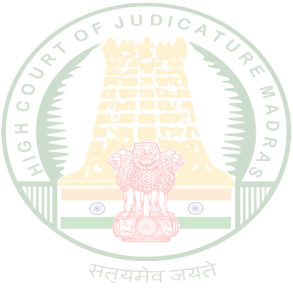
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To

1.The II Additional District Judge (PCR Act Cases),
Tirunelveli

2The Deputy Superintendent of Police,
CBCID, Tirunelveli District.

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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Crl.OP(MD).No.11824 of 2026

R.VIJAYAKUMAR, J.

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CRL OP(MD) NO. 11824 of 2026
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