

Crl.OP(MD).No.995 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. 995 of 2026
{CNR: HCMD010023422026}



Case QR

and

Crl.M.P(MD)No.1038 of 2026

Saravanan

...Petitioner/Accused No.2

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

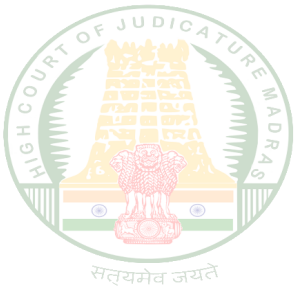
2. Tamil Selvi

....2nd Respondent/Defacto Complainant

3. National Highways Authority of India,
PIU-Nagercoil,
No.395/3-1, M.S.Road,
Majestic Colony,
Parvathipuram,
Nagercoil.

...Respondent

***(R3 is suo-motu impleaded as per order of this Court
dated 21.01.2026 in Crl.O.P(MD)No.995 of 2026)***



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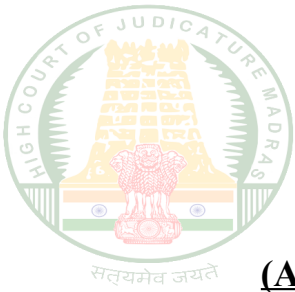
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PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the entire records pertaining to the impugned charge sheet filed in SC No.120/2025 on the file of the Additional District Court No.II for PCR Act Cases, Tirunelveli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

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 :Mr.P.Karthick for R3

ORDER

This Criminal Original Petition has been filed by the second accused in S.C.No.120 of 2025 on the file of the II Additional District Court (PCR Act Cases), Tirunelveli, seeking to quash the final report, in and by which he has been charged for the offences punishable under Sections 103(1), 238(a), 249(a) and 318(3) of the Bharatiya Nyaya Sanhita, 2023 r/w 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 (hereinafter referred to as "the SC/ST Act").



(A) The case of the prosecution:

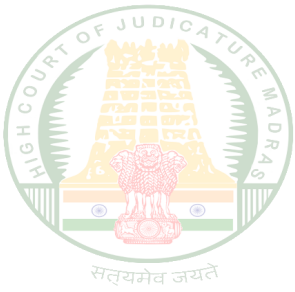
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2.The case of the prosecution, in brief, is that the deceased, a young man aged about 27 years belonging to a Scheduled Caste community, was hacked to death at about 14.19 hours on 27.07.2025 at Sri Lakshmipuram, K.T.C. Nagar, Tirunelveli. The first accused is the son of the petitioner. According to the prosecution, the first accused committed the murder on account of the relationship that existed between the deceased and the petitioner's daughter. The third accused is the wife of the petitioner and the fourth accused is a close relative of the family.

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

(a)that the petitioner came to know of the relationship between the deceased and his daughter during the academic year 2016-2017, cautioned his daughter, and spoke to the deceased over telephone during the year 2018-2019;

(b)that in the year 2023, he received a two-wheeler by way of pledge from one Rajesh of Kalladaikurichi for a sum of Rs.20,000/- and handed it over to the first accused bearing a fake registration number;



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(c)that at about 14.23.38 hours on 27.07.2025, he received information about the occurrence from the first accused, passed on the same to the third accused, his wife, at about 14.25 hours, and thereafter, along with the third accused, met the first accused near Saradha College and instructed him to destroy his clothes, damage his mobile phone and remove the number plate of the two-wheeler;

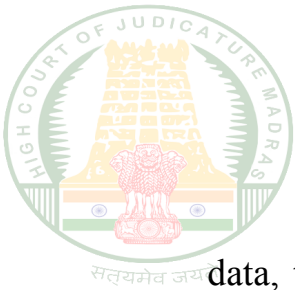
(d)that the petitioner visited the scene of occurrence at 14.39.08 hours and furnished false information to the police personnel regarding the community of the deceased; and

(e)that at about 15.04 hours, he contacted the fourth accused to make arrangements for the first accused.

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

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

5.The learned counsel appearing for the petitioner would contend that the petitioner is not alleged to have been present at the scene of occurrence and that no overt act has been attributed to him in the commission of the principal offence. It is his further submission that the entire case against the petitioner rests upon call detail records and cell tower location data; that from such



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data, the investigating agency has inferred a meeting near Saradha College; and that from the said inferred meeting, it has gone on to infer the issuance of specific instructions.

6.The learned counsel would further submit that neither of these inferences is supported by any independent material and that the prosecution has thus proceeded on an assumption built upon yet another assumption. According to him, the allegation of screening is inherently improbable and stands belied by the prosecution's own material, inasmuch as the final report itself records that the petitioner went to the scene of occurrence within minutes and informed the Head Constable that the murder had been committed by his son. A person who discloses the identity of the offender to the police cannot, in the same breath, be said to have been engaged in screening that very offender.

7.Insofar as the offences under the SC/ST Act are concerned, the learned counsel would submit that the final report does not extract even a single word said to have been uttered by the petitioner and that no caste name is alleged to have been used. The communications relied upon are private telephonic conversations, which did not take place in any place within public view. It is further contended that there is no material whatsoever to show that



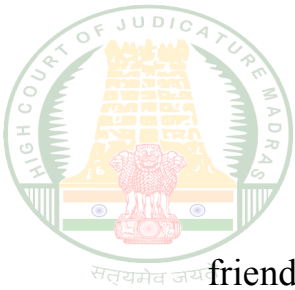
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the petitioner committed, participated in, abetted or conspired to commit any underlying offence punishable with imprisonment for a term of ten years or more.

8.Per contra, the learned State Public Prosecutor appearing for the first respondent police vehemently opposed the petition and contended that the materials collected during investigation disclose, at the very least, a grave suspicion against the petitioner. It is his submission that the question as to whether the conduct of the petitioner after the occurrence amounts to screening is a matter to be decided at trial. He would point out that the petitioner had supplied the very vehicle bearing a fake registration plate, which was used to bring the deceased to the scene of occurrence and in which the first accused made good his escape. He would further submit that the call records between the petitioner, the first accused and the fourth accused immediately after the occurrence would clearly make out the offences set out in the final report as against the petitioner.

9.The learned counsel appearing for the second respondent/defacto complainant, while adopting the submissions of the learned State Public Prosecutor, would add that the mother of the deceased has spoken about the prior warnings issued by the petitioner's family. It is his submission that the



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friendship and love affair between the son of the second respondent and the sister of the first accused was opposed, and the same was followed by a conspiracy among the accused, culminating in a brutal murder by the indiscriminate infliction of grievous cut injuries. He would contend that the merits and demerits of a criminal case cannot be gone into in a quash petition and that no mini trial can be conducted at this stage.

10.The learned counsel would further point out that immediately after the occurrence, the first accused contacted the petitioner over phone and, within a single call, the petitioner set in motion all the arrangements for the safety and surrender of the first accused. The manner in which the surrender was arranged, without any panic or nervousness and with immediate co-ordination, creates a serious suspicion and gives an appearance of pre-planning. Whether such contact was natural or formed part of a pre-planned arrangement is a matter to be established only by evidence during the course of trial and cannot be examined by this Court at this stage.

11.The learned counsel for the second respondent would lastly submit that the claim of the petitioner that he produced the first accused for surrender as a bona fide act is ironical, particularly when the petitioner was in contact with the third accused after the occurrence and the third accused had



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absconded for more than 100 days, notwithstanding the directions of the Court to surrender. If the surrender of the first accused is to be projected as a bona fide act of the petitioner, then the continued absconding of the third accused, who is stated to be in contact with the petitioner, is equally a circumstance for which the petitioner must answer.

12.This Court has heard the learned counsel appearing on either side and perused the materials available on record.

(C) Discussion:

13.The sum and substance of the case against the petitioner, as projected in the final report, is that he met the first accused near Saradha College and instructed him to destroy his clothes, damage his mobile phone and remove the number plate. There is no eyewitness to the said meeting. There is no CCTV footage, photograph, video recording or statement of any independent witness. There is no recording, transcript, message or any other electronic material disclosing what transpired between them. The meeting is sought to be established solely on the circumstance that the mobile phones attributed to A1, the petitioner and A3 were connected to the same cell tower during the relevant period.

14.The Hon'ble Supreme Court, *in Rahil and another Vs. State*



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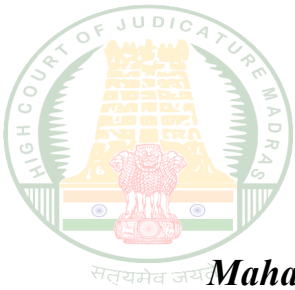
(**Government of NCT of Delhi**), reported in **2025 SCC Online SC 1481**, has held in paragraph Nos.37 & 38 as follows:

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

15. The Bombay High Court, *in Prabhakar Kutty Shetty Vs. The State of*



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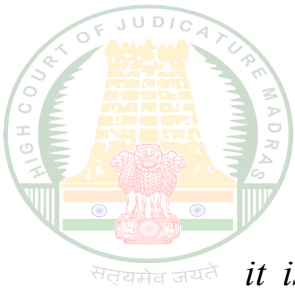
Maharashtra, reported in **2026 SCC Online Bom 5123**, in paragraph No.42 has held as follows:

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

16.A reading of the judgment of the Hon'ble Supreme Court cited supra makes it clear that cell tower information corresponds only to the operational range of the tower and not to the exact location of the mobile phone. It would, therefore, be unsafe to rely solely upon such material to prove the presence of an accused at a particular place. Tower location cannot conclusively establish that two persons were in each other's company and can, at best, serve a limited corroborative purpose.

17.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,

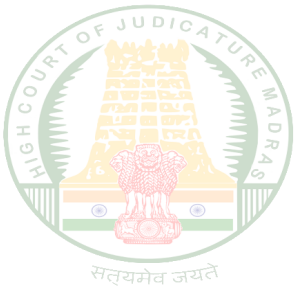


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it is clear that the only evidence against the petitioner is the CDR which creates a suspicion but not a grave suspicion. If the CDR is considered sans the disclosure statement, there is nothing on record to link the said intercepted calls to the recovery 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'.....”

18.In the light of the above legal position, even if the call detail records relied upon by the prosecution are accepted in their entirety, they establish no more than that the three phones were within the wider coverage area of the same tower. They do not establish a meeting. Even assuming that a meeting did take place, call records prove only the fact of communication and not its content; they cannot reveal the words spoken. The instructions attributed to the petitioner, therefore, rest on inference alone.

19.It is the prosecution's own case, as recorded in the final report, that the petitioner proceeded to the scene of occurrence at 14.39.08 hours, i.e., within about 16 minutes of receiving information from A1, and spoke to the police there. It is also the prosecution's own case that he informed the Head Constable (L.W.56) that the murder had been committed by his son. The first accused was, in fact, taken into custody by the police on the very same afternoon.



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20.The offence of causing disappearance of evidence requires an intention to screen the offender from legal punishment. The offence of harbouring requires an intention to screen the offender from apprehension. Where the prosecution's own material, namely the statement of L.W.56 and the final report, shows that the person accused of screening had, within minutes, gone to the police and named the offender as his own son, the very intention which forms the essential ingredient of both these offences stands negated by the prosecution's own narrative. The two versions cannot co-exist.

21.It is no doubt alleged that, after the occurrence, the first accused went to the quarry run by the fourth accused, where his clothes are said to have been destroyed and the number plate of the two-wheeler removed. The prosecution seeks to establish those acts through the statements of the persons present at the quarry and the recoveries effected from those premises, and that material has been considered in the petition filed by the fourth accused in Crl.O.P.(MD)No.1002 of 2026. The final report, as summarised above, does not attribute to the petitioner any role in the events at the quarry beyond his telephone call to the fourth accused at about 15.04 hours. As already noticed, call records disclose only the fact of a communication and



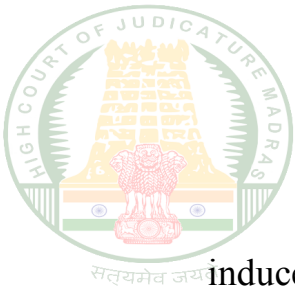
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not its content. The case of the petitioner, therefore, stands on a footing materially different from that of the fourth accused, against whom the prosecution relies upon the statements of witnesses speaking to his conduct and upon recoveries from his own premises.

22.As regards the submission that the third accused absconded for a considerable period, that circumstance, whatever its bearing on the case against the third accused, cannot be laid at the door of the petitioner in the absence of any material to show that he aided or arranged her absence. Telephonic contact between husband and wife after the occurrence does not, by itself, supply such material.

23.The allegation with regard to the two-wheeler is that the petitioner obtained it by way of pledge from one Rajesh (L.W.46) in the year 2023 for a sum of Rs.20,000/- and handed it over to the first accused with a fake registration plate. The vehicle is thus said to have been obtained in the year 2023, whereas the occurrence took place on 27.07.2025. Such an act, said to have taken place nearly two years prior to the occurrence, even if assumed to be true, cannot in any manner connect the petitioner with the screening or harbouring of the accused after the occurrence. Further, there is no allegation that any deception was practised upon the deceased, or that the deceased was



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induced to part with any property or to do or omit to do anything by reason of such deception. The ingredients of the offence of cheating qua the deceased are, therefore, not disclosed.

24.The use of a false registration plate may attract the provisions of the Motor Vehicles Act, 1988 and may well be a circumstance of significance at the trial of the first accused. However, without anything more, it cannot be pressed into service to make out an offence of cheating committed by the petitioner in relation to the deceased.

25.Sections 3(1)(r) and 3(1)(s) of the SC/ST Act have been invoked against the petitioner. The final report does not extract a single word said to have been uttered by the petitioner, either to the deceased or to his mother. No caste name is alleged to have been used. There is no recording, transcript or message. The telephonic conversation relied upon in the final report is said to have taken place during the year 2016-2017, when the petitioner's daughter was studying in the 12th standard, and the final report itself reveals that on that occasion, the petitioner warned his daughter and did not speak to the deceased. Apart from this, the petitioner is alleged to have called the deceased during the year 2018-2019, when the deceased was a college student. Whether these warnings made any reference to the community of the



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deceased is not disclosed. It is but natural for a parent to admonish a son or daughter who enters into a relationship during school days.

26.The occurrence took place nearly seven years after the alleged telephonic conversation, and the connection sought to be drawn between the two is only an inference drawn by the investigating agency. That apart, it was a private conversation between two individuals and did not take place in any place within public view. Both the ingredient of caste reference, insult or abuse and the ingredient of public view are, therefore, conspicuously absent.

27.As regards the allegation that the petitioner furnished false information to the police regarding the community of the deceased, the same would not amount to an intentional insult or intimidation of a member of a Scheduled Caste with intent to humiliate in any place within public view, as contemplated under Section 3(1)(r) of the SC/ST Act. Nor would it amount to abusing any member of a Scheduled Caste by caste name in any place within public view, as contemplated under Section 3(1)(s) of the SC/ST Act.

28.Insofar as the allegation under Section 3(2)(v) of the SC/ST Act is concerned, there must be material to show that the petitioner committed an offence under the BNS punishable with imprisonment for a term of ten years or more against a person belonging to a Scheduled Caste, knowing that such

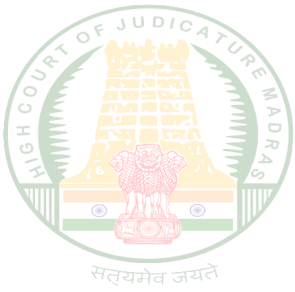


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person belongs to that community. Mere knowledge of the community of the deceased, without participation in the qualifying offence, would not suffice. No overt act in the commission of the murder is attributed to the petitioner. He is not alleged to have been present at the scene of occurrence. Nor is he alleged to have been aware of the design beforehand. The prosecution does not allege any prior plan, agreement or meeting of minds between him and the first accused. The telephonic communications relied upon took place several years before the occurrence. The foundational requirements for invoking Section 3(2)(v) of the SC/ST Act are, therefore, absent.

29. The allegations against the petitioner, even if taken at their face value and accepted in their entirety, do not disclose the ingredients of the offences alleged. The case of screening rests upon an inference drawn from cell tower location data, which, as per the authorities cited above, is insufficient to establish presence, much less the contents of any conversation, and in any event stands contradicted by the prosecution's own material. The allegation of cheating does not identify any deception practised upon the deceased. The provisions of the SC/ST Act fail for want of any caste reference, any place within public view, and any participation in the qualifying underlying offence.



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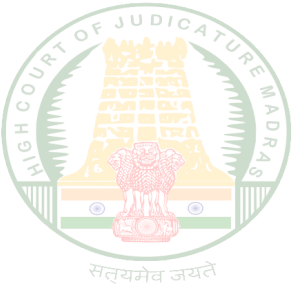
30.It is made clear that the observations made herein are confined to the disposal of the present petition alone and shall not influence the trial Court in any manner insofar as the other accused are concerned. It is further made clear that this order shall not preclude the Trial Court from exercising 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 the result, 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 alone is concerned, and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

29.09.2026

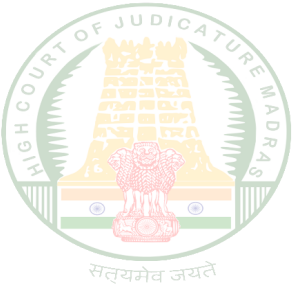
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- To
- 1.The II Additional District Judge(PCR Act Cases),
Tirunelveli
 - 2.The Deputy Superintendent of Police,
CBCID, Tirunelveli District.
 - 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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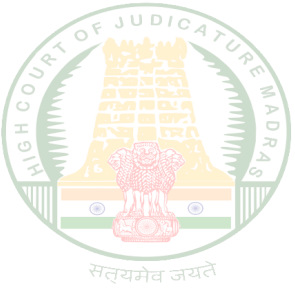
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