

Crl.OP(MD).No.8106 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**ORDER RESERVED ON : 08.04.2026**

**ORDER PRONOUNCED ON : 29.04.2026**  
CORAM

**THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR**

**Crl.OP(MD).No. 8106 of 2025**

S.Rukumani

...Petitioner/Mother of the deceased

Vs

1.The State of Tamil Nadu  
Rep.by its Home Secretary  
Fort.St.George  
Chennai 600 009

2.The Director General of Police  
DGP Office Complex  
2<sup>nd</sup> Floor  
Dr.R.K.Salai  
Chennai 600 004

3.The Superintendent of Police  
Office of the Superintendent of Police  
Dindigul District  
Dindigul 624 001

4.The Inspector of Police  
Kodaikanal Police Station  
Kodaikanal  
Dindigul District  
Crime No.110 of 2025



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5.The Deputy Superintendent of Police  
Crime Branch -Criminal Investigation Department (CBCID)  
18-A, Vivekananda Nagar  
Dindigul District  
Dindigul

....Respondents

**Prayer:**The Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita Act, 2023 to direct the second respondent to withdraw and transfer the investigation in Crime No.110 of 2025 on the file of the 4<sup>th</sup> respondent to the 5<sup>th</sup> respondent.

**For Petitioner** : Mr.K.P.S.Palanivelrajan  
Senior Counsel for  
Mr.K.Prabakaran

**For Respondents** : Mr.R.Meenakshi Sundaram  
Additional Public Prosecutor

## **ORDER**

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the mother of the deceased seeking a direction to the second respondent to withdraw and transfer the investigation in Crime No.110 of 2025 which is pending on the file of the fourth respondent and transfer the same to the file of the fifth respondent.

### **(A).Factual Background:**

2.As per averments in the petition, the petitioner is blessed with two daughters and son by name S.Shivaraj who had passed away on 20.03.2025. As per averments in the petition, there was a matrimonial dispute between



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Shivaraj and his wife namely Padmavathi. It is alleged that the petitioner's daughter-in-law was demanding properties and she had an eye over the assets of the deceased Shivaraj. It is further alleged that the deceased Shivaraj was admitted forcibly in a De-addiction Centre by his wife and son with the help of two known persons.

3.It is further alleged in the petition that the petitioner was not permitted to visit the said De-addiction centre and therefore, she was constrained to file HCP(MD).No.119 of 2025 as against the administration of the De-addiction centre, her daughter-in-law and her grandson. Thereafter, the said HCP was disposed of on 29.01.2025 wherein the deceased Shivaraj had appeared and had stated that he does not want to continue to be in the De-addiction centre and he wanted to be set at liberty. With the certain observations, HCP(MD).Nos.119 of 2025 was closed permitting the deceased to choose his life.

4.It is further averred in the petition that from 01.03.2025 onwards, the family of the petitioner started living in native residence in Kodaikanal and he was humiliated and branded as an addict. Unable to undergo the mental trauma and agony as his wife and son were treating him inhumanly, abusing him, has triggered the deceased to file H.M.O.P.No.75 of 2025 before Sub Court, Palani seeking divorce. Suddenly the deceased Shivaraj went missing on 21.03.2025 and his mobile could not be reached and therefore, the



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petitioner is said to have given complaint to the Kodaikanal Police Station which did not emanate any response. Only on 25.03.2025 at about 10.00 a.m when they searched the premises of the cottage and found the partially burnt body of the deceased Shivaraj and with the help of younger daughter was identified and RDO enquiry was initiated under 193 of BNSS.

5.It is further alleged that the daughter-in-law and her grandson who are residing opposite to the cottage had not come forward to see the inhuman death of her husband. They have also not provided CCTV footage from their house. The petitioner apprehends that the unnatural death of her son is rooted in the property dispute between her son and his wife and her grandson. It is further averred in the petition that the police officials have neither summoned the daughter-in-law or grandson and despite repeated representations, the investigation is limited only to arresting whose role has not been clearly disclosed and nor any recovery or further investigation has taken place.

6.It is further averred that the crime involves serious offence including illegal confinement, property dispute and possibly murder with destruction of evidence, which requires expertise and an impartial approach beyond the capacity of the second respondent. It is further averred that the petitioner had made multiple representations to various higher officials including to the Chief Minister's Cell, however there was no action. Hence, the present petition has been filed seeking a direction to transfer the investigation under



supervision of a senior police officer.

**WEB COPY (B).Submissions of the learned counsels appearing on either side are as follows:**

7.The learned senior counsel appearing for the petitioner had relied upon a decision of the Hon'ble Supreme Court reported in **2025 SCC Online SC 631 (Amit Kumar and others Vs. Union of India and others)** especially paragraph No.20. He also relied upon a decision of our High Court in a judgment reported in **2018 SCC Online Mad 13864 (K.Sukumari Vs. Superintendent of Police and others)** wherein procedure has been laid down where the cases were registered under man missing category. He also relied upon a decision of the Hon'ble Division Bench of this Court reported in **2014 SCC Online Mad 3145 (G.Velayutha Nadar Vs. The State of Tamil Nadu, Rep.by its Commissioner of Police, Trichy Town, Khajamalai Post, Trichy District and another)** to submit that where the investigation prima facie appears to be farce and does not inspire the confidence of the Court, it is always open to the Court to transfer the investigation to another agency. He also relied upon a decision of this Court reported in **2018 SCC Online Mad 13864** wherein this Court has issued a direction to Director General of Police, Chennai and the Inspector General of Police of various Zones to deal with the man missing case. He also relied upon a decision of the Hon'ble Supreme Court reported in **(2018) 15 SCC 480 (Bimal Gurug Vs Union of India and**



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*others*) especially in Paragraph No.50 to contend that mere filing of the final report would not be a legal impediment for transferring the investigation if the Court finds that the investigation has not been done in a proper manner.

8.The learned senior counsel appearing for the petitioner had further submitted that the complaint about man missing was made by the petitioner on 23.03.2025, an F.I.R was not registered. However, on 25.03.2025, an F.I.R has been registered in Crime No.110 of 2025 by the respondent police at the instance of the Village Administrative Officer thereby taking away of the right of the petitioner to be the defacto complainant in order to ventilate her grievances through legal means. Based upon the complaint of the Village Administrative Officer, the F.I.R has been registered on 26.03.2025. Based upon the complaint lodged by her, an F.I.R has already been registered in Crime No.106 of 2025 dated 24.03.2025 as a man missing case. In such circumstances, without proceedings with the said F.I.R, the registration of the fresh F.I.R in Crime No.110 of 2025 at the instance of the Village Administrative Officer would clearly establish the motive of the investigating agency.

9.The learned Senior Counsel had further submitted that the petitioner had sent multiple representations to the various higher authorities pointing out the involvement of her daughter-in-law and grandson in the death of her son. However, no action has been initiated whatsoever. Now a charge sheet



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has been laid implicating some of the servants in the residence which would clearly indicate that the real culprits have been permitted to go scot-free.

Hence, he prayed for transfer of investigation.

10.Per contra, the learned Additional Public Prosecutor appearing for the respondents submitted that a complaint was received from the petitioner on 23.03.2025. An F.I.R. was registered on 24.03.2025 in Crime No.106 of 2025 as man missing case. Thereafter, they received information from the local people that bad smell is emanating from the residence of the deceased and with the help of V.A.O, went and searched of the premises, they found the charred dead body of the deceased and after investigation, it has been found that the accused person who were known to the deceased while he was in De-addiction centre had committed the murder due to the dispute in payment of salary. After committing murder, they have disposed the dead body in the bonfire which has resulted in charring of the deceased person.

11.The learned Additional Public Prosecutor had further submitted that investigation has been done and based on tracking the call details and tower details, the accused persons have been identified. He further submitted that the representations received by the petitioner were also taken into consideration and the angle that is approached by the petitioner to investigate her daughter-in-law and grandson, have also been investigated and found that not proved.



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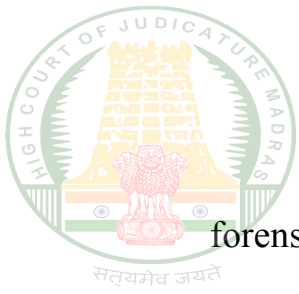
12.The learned Additional Public Prosecutor had further submitted that the petitioner had filed an application before RDO, Kodaikanal under Senior Citizen Act seeking to cancel the settlement deed granted in favour of her grandson and daughter-in-law. The application was dismissed by the RDO on 27.11.2023. The petitioner had preferred an appeal before the District Collector, Dindigul and the same was also dismissed on 13.01.2024. In such circumstances, according to him, the petitioner was not in a good terms with her son and daughter-in-law and grandson and therefore, she is trying to implicate them in the criminal case in order to settle the property dispute.

13.Heard both sides and perused the material records.

**(C).Discussion:**

14.The present application has been filed seeking to transfer the investigation from the file of the fourth respondent to the file of the fifth respondent. The application has been filed on 23.04.2025. A perusal of the records reveals that the charge sheet has been laid before the Judicial Magistrate No.II, Kodaikanal on 31.07.2025 and it has been taken on file in PRC.No.1 of 2026. The committal proceedings are pending before the concerned Court.

15.A perusal of the charge sheet reveals that the petitioner herein is shown L.W.6 and the Village Administrative Officer is shown as the complainant. The three expert witnesses namely L.W.12 to L.W.14 are the



forensic experts.

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16The primary contention of the learned Senior Counsel appearing for the petitioner is that the investigation has not been conducted in a proper manner and the petitioner's allegation as against her daughter-in-law and grandson have not been properly investigated by the fourth respondent police and therefore, he seeks transfer of investigation. The petitioner had lodged a complaint before the fourth respondent police on 22.03.2025 regarding missing of her son and another complaint has been lodged on 23.03.2025. Based upon the petitioner's complaint dated 23.03.2025, an F.I.R has been registered in Crime No.106 of 2025 as a man missing case.

17.The petitioner had lodged a complaint on 26.03.2025 before the fourth respondent police requesting him to enquire as against her daughter-in-law and grandson. A copy has also been marked to the higher police officials. On 01.04.2025, the petitioner has sent another representation to the State Home Secretary on similar lines. On the same day, another complaint has been lodged before the Chief Minister's Cell to transfer the investigation to CBCID.

18.A perusal of all these complainants would clearly reveal that the petitioner is attempting to implicate her daughter-in-law and grandson. However, no documents or any further evidence relating to implicating the said two persons have been provided by the petitioner herein. It is clear that

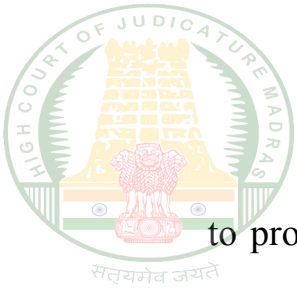


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the petitioner was aware of the fact that the F.I.R was registered at the instance of the V.A.O. On 25.03.2025 in Crime No.110 of 2025 was registered under Section 194 of BNSS. Later, it has been altered under Section 103(1) and 238(a) of Bharatiya Nyaya Sanhita (BNS), 2023.

19.Pendency of divorce proceedings and the order passed in Habeas Corpus Petition are relied upon in order to implicate her daughter-in-law and grandson. Similarly, it is brought to the notice of the Court that the petitioner has also made some attempts to get back the property that was settled in favour of the daughter-in-law and grandson by filing an application under Senior Citizen Act which was not successful. Therefore, it is clear that there is a property dispute between the petitioner herein on one side and the daughter-in-law and grandson on other side. This would not be sufficient enough to order transfer of investigation or find fault with the investigation conducted by the investigating agency unless concrete materials are placed before the Court to implicate them. Now that the charge sheet has already been laid and no concrete materials have been placed before this Court to transfer of investigation, this Court is not inclined to entertain the present petition.

20.During trial, if the evidence before the Court reflects the involvement of any other person in the crime, the Court is always at liberty to invoke Section 358 BNSS (319 of Cr.P.C). The Court has got ample powers



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to proceed against such persons. The petitioner as a mother of the deceased would always be at liberty to bring it to the notice of the Court, for invoking the said provisions.

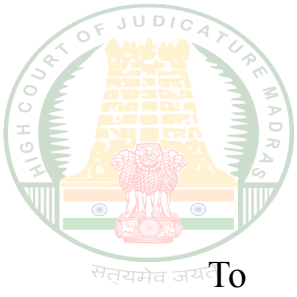
21. In view of the above said deliberations, it is clear that as of now, the petitioner had made mere allegations as against her daughter-in-law and her grandson without any concrete materials. In such circumstances, this Court is not inclined to order transfer of investigation especially in the light of the fact that already a charge sheet has been laid. The petitioner is always at liberty to bring it to the notice of the trial Court for invocation of Section 358 of BNSS and the trial Court is at liberty to consider the same on merits and in accordance with law.

**(D).Conclusion:**

22. With the above said observations, this Criminal Original Petition stands dismissed.

**29.04.2026**

Internet : Yes/No  
Index : Yes/No  
NCC : Yes/No  
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To  
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The State of Tamil Nadu  
Fort.St.George  
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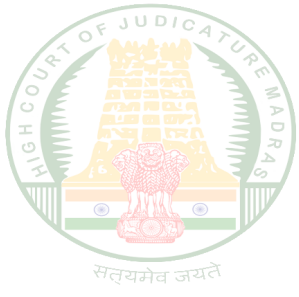
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2<sup>nd</sup> Floor  
Dr.R.K.Salai  
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6. The Additional Public Prosecutor  
Madurai Bench of Madras High Court,  
Madurai



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**R.VIJAYAKUMAR, J.**

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