



Crl.OP(MD)No.20545 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 02.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.20545 of 2025

Krishnakumari

... Petitioner/Accused No.3

Vs.

1. The State of Tamilnadu,
Rep by its,
The Deputy Superintendent of Police,
Tirunelveli Circle,
Tirunelveli District. 1st Respondent/Investigation Officer

2. The Inspector of Police,
CBCID South Police Station,
In Cr.No.1/2025,
Tirunelveli District. 2nd Respondent / Complainant

3. Tamilselvei, 3rd Respondent /
De-facto Complainant,

Prayer: Criminal Original Petition is filed under Section 528 of B NSS, 2023, to direct the learned II Additional District Court, Tirunelveli, to consider the recall warrant application of the petitioner on the same day if she surrenders in S.C.No.120/2025 on its file.



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For Petitioner : Mr.Subash Babu,
Senior counsel,
M/s.Subash Law Office

For R-1 & R-2 : Mr.Thanga Aravindh.B,
Government Advocate (Crl. Side)

For R-3 : Mr.B.Mohan,
For Mr.C.M.Arumugam

ORDER

Prologue:

Justice in this land has long been measured not by the status of the accused, but by the depth of the wrong and the voice of the aggrieved. Tamil tradition recalls the legendary reign of Manu Neethi Cholan, who, upon hearing the cry of a voiceless cow whose calf was killed under his son's chariot, chose to subject his own son to the rigour of law, affirming that justice admits no exception, even for one's own kin. Centuries later, the constitutional promise of equality before law enshrined in Article 14, and the protection of life and dignity under Article 21, continue to echo that timeless principle. Yet, incidents of honour killing, driven by caste prejudice and misplaced notions of familial pride, remind us that the journey from legend to lived reality remains unfinished.



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2. The present case, arising from the brutal killing of a young engineer belonging to a Scheduled Caste community, calls upon the justice delivery system to remain steadfast to that ancient yet enduring mandate that law must stand taller than lineage, office, or influence, and that the cry of a grieving mother must receive the same attentive response as the bell of justice once did in the Court of Manu Neethi Cholan.

3. The petition is projected as a “direction petition” invoking the inherent jurisdiction of this Court, complaining that after filing of the final report and taking the case on file as S.C.No.120 of 2025, the learned Trial Judge issued a Non-Bailable Warrant against the petitioner (A3) “without first issuing summons”. The petitioner, while asserting that she has no overt act and that she was not arrested during investigation, seeks a mandamus-like direction to the Sessions Court to entertain and decide her recall petition immediately upon surrender.

4. The respondent-State and the victim-side resist the petition primarily (i) on maintainability, contending that what is sought is



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WEB COPY nothing but an indirect challenge to the judicial act of issuance of warrant, without even impleading/challenging that order in the manner known to law, (ii) that the petitioner has an efficacious alternative remedy before the very same Court which issued the warrant and (iii) that a direction under Section 528 BNSS cannot be used as a substitute for statutory procedure.

5. This Court, therefore, confines itself to the limited question, whether the inherent power under Section 528 BNSS should be exercised to issue a direction of the kind sought, in the factual setting of a heinous murder case coupled with allegations under the SC/ST (PoA) Act.

Case of the prosecution:

6. The prosecution case arises out of Crime No.1 of 2025, registered for offences under Sections 296(b), 103(1) and 49 of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended).



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7. The gravamen of the accusation is that the deceased, stated to belong to a Scheduled Caste, was brutally murdered in broad daylight, and that the occurrence is projected as an “honour killing” arising from an inter-caste relationship. The prosecution alleges a conspiracy and facilitation by family members, including the petitioner (A3), who is stated to be a police officer, and the mother of A1.

8. Investigation having been completed, a final report has been filed and the case has been taken on file as S.C.No.120 of 2025 on the file of the learned II Additional District Court, Tirunelveli. It is in that proceeding that the NBW came to be issued.

Case of the petitioner / grounds urged:

9. The petitioner is arrayed as A3. She states that she is a Sub-Inspector of Police (now suspended), and that she was neither present at the scene nor attributed with any specific overt act or caste-related utterance. The principal ground projected in the petition is that the learned Sessions Court issued a Non-Bailable Warrant “straight away” on 11.11.2025/12.11.2025 without first



WEB COPY issuing summons, and that such mechanical issuance is contrary to procedure and violative of liberty.

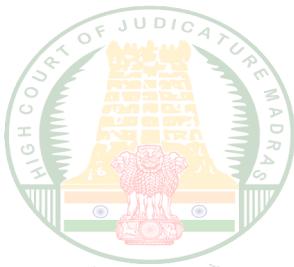
10. The petitioner relies upon decisions such as ***Inder Mohan Goswami and Another v. State of Uttaranchal and Others***¹ on restraint in issuing ***NBWs, Satender Kumar Antil***² on process and bail considerations after filing of charge-sheet, and ***Tarsem Lal v. Directorate of Enforcement***³ on normal rule of issuing summons where the accused was not arrested prior to complaint, to argue that summons ought to have been issued first, and that she should be permitted to surrender and have her recall petition decided on the same day. The petitioner asserts that she is ready to cooperate with trial and seeks a direction so that she is not subjected to undue hardship and loss of liberty.

11. The learned Government Advocate (Crl. side) would submit that this is a grave case involving murder and offences under the SC/ST (PoA) Act, and that the petitioner, being an accused and a

1 2007 (12) SCC 1

2 2022 10 SCC 51

3 2024 INSC 434



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police officer, cannot plead ignorance of process. It is submitted that issuance of process is within the discretion of the Court, and in serious offences, issuance of NBW cannot be equated with illegality *per se*.

12. It is further contended that Section 528 BNSS cannot be invoked to secure what is essentially a direction touching a judicial function of the Sessions Court, especially when the petitioner has the simple remedy of surrendering and moving the Court which issued the warrant.

13. The learned counsel for the victim-side submits that the petition is not maintainable as framed, since the petitioner has not challenged the NBW order. Rather, she seeks a direction to “manage” the consequences of an NBW in a manner that may indirectly confer a protective cover. It is also urged that the allegations in the charge sheet disclose a larger conspiracy, and that the case is a brutal honour killing, therefore, any indulgence under inherent jurisdiction, even by a “direction”, may undermine the due course of trial. The victim-side further submits that rights under Section 15A of the



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SC/ST (PoA) Act must be scrupulously respected and that the petitioner must pursue the remedy before the learned Trial Court in accordance with law.

14. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

15. Whether the Criminal Original Petition filed under Section 528 BNSS, 2023, is maintainable and merits exercise of inherent jurisdiction, to direct the learned II Additional District Court, Tirunelveli, to consider the petitioner's recall-of-NBW application "on the same day", in the facts of the case?

Analysis:

Nature of relief - direction petition as a surrogate to challenge a judicial order:

16. The relief sought, though couched as a "direction", in substance asks this Court to intervene in relation to a judicial act of issuance of Non-Bailable Warrant and to regulate the manner and



time within which the learned Trial Court must deal with the
WEB COPY petitioner's recall application.

17. A warrant is not an administrative step, but it is a judicial process issued by a Court in seisin of a sessions case. If the petitioner's grievance is that the NBW is illegal or mechanically issued, the proper course is to assail the issuance order appropriately, or approach the very Court which issued the warrant with an application for recall/cancellation and seek a hearing in accordance with law.

18. The inherent jurisdiction under Section 528 BNSS is undoubtedly wide, but it is equally settled that it is not meant to create a parallel appellate/supervisory mechanism for every procedural grievance, particularly when the Code provides an efficacious remedy, and more so when the petitioner seeks a direction that may trench upon the learned Trial Court's control over its process and docket.



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Alternative remedy is not illusory, it is the precise remedy contemplated by law:

19. In the present case, the petitioner has a direct and effective remedy: surrender/appear before the learned Trial Court and file an application for recall/cancellation of warrant. The learned Trial Court, being the issuing Court, is the most appropriate forum to consider (i) whether summons could have been issued; (ii) whether there was any evasion; (iii) what conditions, if any, are required to secure appearance.

20. The plea that the petitioner apprehends an adverse outcome before the learned Trial Court cannot be a ground to bypass the statutory route and seek a pre-structured direction from this Court, especially in a case involving grave accusations including offences under the SC/ST (PoA) Act.

21. This Court, in ***Sugesan Transport Pvt. Ltd. v. State***⁴, dealt with the invocation of Section 482 Cr.P.C., 1973, where a specific remedy exists under the Code. The relevant portion is extracted verbatim as follows:

⁴ 2016 SCC OnLine Mad 9348



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*“40. Under Section 397, Cr.P.C., the High Court has been conferred with revisional powers to call for the records of any proceedings before any inferior Criminal Court and test the correctness, legality or propriety of such an order or proceeding. The inherent power under Section 482, Cr.P.C. can be invoked in matters that are covered by Section 397, *ibid*. But, can Section 482, for instance, be invoked when a matter is covered by a specific mention? The answer to this question is an emphatic “no”. Where specific provisions exist under the Code to deal with a given situation, the invocation of Section 482, is clearly barred. This has been vividly explained by the Privy Council in *Lala Jairam Das v. The King Emperor* [1945 MWN (Cr.) 62], where, the issue before the Privy Council was whether the High Court can grant bail by exercise of its inherent power to a person whose conviction has been confirmed by the High Court and leave has been granted to move the Privy Council, pending decision of the Board. In that context, the Privy Council held that inherent power cannot be exercised to grant bail, however, desirable it may be. The following passages from the said judgment are instructive and will dispel the doubts in this regard. “Section 561 A of the Code confers no powers. It merely safeguards all existing inherent powers possessed by a High Court necessary (among other purposes) to secure the ends of justice. . . . Finally their Lordships take the view that Chapter XXXIX of the Code together with S.426 is, and was intended to contain, a complete and*

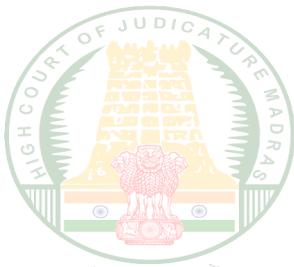


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exhaustive statement of the powers of a High Court in India to grant bail and excludes the existence of any inherent additional power in a High Court relating to the subject of bail. They find themselves in agreement with the views expressed by Richardson J., Henderson J. and Bose J. in the three cases referred to earlier in this judgment. . . . Their Lordships fully appreciate the propriety and utility of such a power, exercisable by judges acquainted with the relevant facts of each case, and (if exercised) with power to order that the bail period be excluded from the term of any sentence. But in their Lordships' opinion this desirable object can only be achieved by legislation."

22. In the instant case, the grieving and victimised mother has raised concerns regarding the maintainability of this Criminal Original Petition, categorically contending that an alternate remedy is available under Section 72(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, and this Court finds no quarrel with the said contention. It would be a dereliction of duty on the part of this Court if it does not draw the attention of the prosecution and the investigating agency to the fact that Section 15A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, which falls under Chapter IV-A titled "Rights of Victims



WEB COPY and Witnesses", has been introduced by the lawmakers with the avowed object of making necessary arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation, coercion, inducement, violence, or threats of violence, and to ensure the active participation of the dependents/legal heirs of the victim as stakeholders in the criminal justice delivery system.

23. Caste passions and bigotry must be uprooted to realise the constitutional vision of Dr. B.R. Ambedkar, who ensured equality before law and equal protection of laws. Even in a mature democracy, caste atrocities remain a dark scar, demanding societal surgery through firm enforcement of the SC/ST (PoA) Act. The Investigating Agency and the Judiciary must work in seamless coordination to ensure that the life and liberty of even a single Indian citizen is never sacrificed at the altar of caste. Welfare legislations meant to empower the voiceless will remain paper tigers unless the criminal justice system enforces them with commitment, sensitivity, and alacrity.

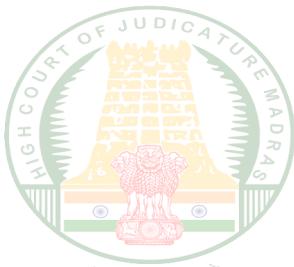


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Explanation called for from the investigating agency:

24. This Court also records that, during the course of hearing this case, by an order dated 16.12.2025, this Court considered it appropriate to seek an explanation from the Investigating Agency and, accordingly, directed the Deputy Superintendent of Police, who conducted the investigation, to appear before this Court on 18.12.2025 and explain as to why the petitioner herein / A3 was not arrested during the course of investigation, despite the allegations levelled being grave in nature and carrying severe penal consequences.

25. The aforesaid direction was issued in the backdrop of the specific contention raised by the petitioner that she was never arrested during the investigation and that, notwithstanding the same, a Non-Bailable Warrant came to be issued immediately after the case was taken on file. The appearance of the Investigating Officer was therefore necessitated to ascertain whether the non-arrest of A3 was a conscious and reasoned investigative decision based on the materials collected, or whether it disclosed any lapse,



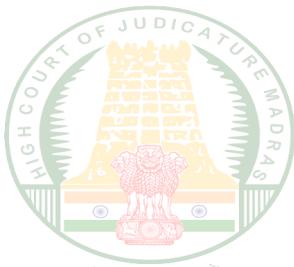
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irregularity, or dereliction of duty in the discharge of statutory obligations.

Appearance of the investigating officer and explanation offered:

26. Pursuant thereto, on 18.12.2025, Thiru C. Rajakumar Navaraj, Deputy Superintendent of Police, Crime Branch-CID, Tirunelveli, appeared before this Court. On his instructions, the learned Government Advocate (Crl. side) submitted that the offences under Sections 238(a) and 249(a) read with Section 103(1) of the Bharatiya Nyaya Sanhita, 2023, are bailable offences. It was further submitted that, on such premise, notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, was served on the petitioner / A3, pursuant to which she appeared for enquiry, was interrogated, and her statement was recorded on 23.09.2025.

27. The submissions of the learned Government Advocate (Crl. side) indicated that the petitioner cooperated with the investigation by appearing for enquiry. The explanation offered is placed on record for completeness. This Court refrains from making any determination

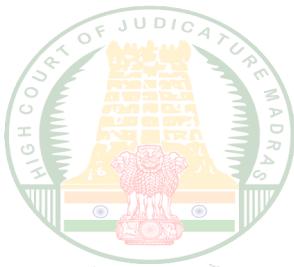


on the adequacy or correctness of the investigative steps, as such
WEB COPY matters fall within the province of the trial and allied proceedings.

Selective non-arrest and investigative discretion:

28. The prosecution has not placed before this Court any material to indicate the rationale for adopting different approaches with respect to the arrest of the accused persons, particularly when A2 and A3 are similarly placed in terms of their alleged role in the occurrence and their institutional background. While it is within the domain of the investigating agency to decide whether arrest is necessary during investigation, such discretion is expected to be exercised on objective considerations and applied uniformly, especially in cases involving grave offences.

29. The materials placed do not sufficiently illuminate the basis on which the petitioner/A3 was permitted to appear for enquiry without arrest, whereas the co-accused were subjected to custodial measures. This Court refrains from drawing any conclusion on the correctness or otherwise of such investigative choices, however, the absence of a clear explanation underscores the need for heightened

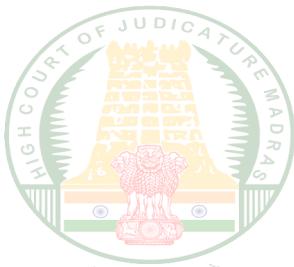


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transparency and consistency in investigations involving serious allegations.

Materials disclosing long-standing inter-caste relationship and vulnerability of witnesses:

30. The statements recorded under Section 161 Cr.P.C., 1973, including those of LW 1, LW 2, LW 3, LW 26 and other witnesses, indicate that the deceased and the daughter of A2 and A3 were acquainted for a considerable period prior to the occurrence. Certain aspects emerging from these statements reflect the interpersonal dynamics surrounding the incident.

31. In cases of this nature, where witnesses are closely connected to the parties involved, courts are required to remain mindful of the statutory obligation to ensure that witnesses are insulated from any form of influence, whether direct or indirect. The record does not presently disclose the measures, if any, adopted by the investigating agency to address such concerns, including the manner in which LW 26 was accommodated following the occurrence. These observations are made only to highlight the

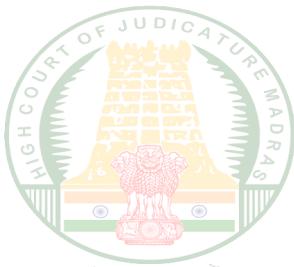


WEB COPY importance of safeguarding witness autonomy in accordance with law, and not as a finding on any alleged attempt to influence witnesses.

The voice of the grieving mother and societal context:

32. The *de facto* complainant, who is the mother of the deceased, has actively engaged with the legal process following the incident and has sought to exercise the participatory rights available to victims under the statutory framework. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, particularly Section 15A, recognises such participation as an integral component of a fair criminal justice process.

33. Allegations of honour-based violence implicate broader societal concerns and require Courts to be sensitive to the interests of victims and witnesses, while simultaneously ensuring that the rights of the accused are adjudicated strictly in accordance with law. Judicial engagement with such cases must therefore proceed with caution, balance, and adherence to procedural discipline. The present observations are confined to acknowledging the statutory



WEB COPY **position of victims in the criminal justice system and the need for their rights to be respected during the pendency of proceedings.**

Discretion to issue warrant-serious offences and the factual matrix:

34. The petitioner heavily relies on general principles that NBWs should not be issued mechanically and that summons ordinarily precedes warrant. This Court does not disagree with the proposition that process must reflect judicial application of mind. However, the proposition cannot be applied in a vacuum to demand a one-size-fits-all direction.

35. The offences alleged here include murder and offences under a special statute. The learned Trial Court is statutorily empowered, at the stage of process, to issue warrant in a warrant case, depending on its satisfaction. Whether the learned Trial Court exercised discretion properly or not is a matter to be urged before the learned Trial Court itself in a recall petition, or by challenging the order in the manner known to law.



WEB COPY 36. The petitioner's reliance on ***Tarsem Lal v. Directorate of Enforcement***⁵ is also context-specific. That decision arose in the

framework of PMLA practice, and the observations regarding "normal rule" cannot be mechanically transplanted to every sessions case involving allegations of honour killing and SC/ST (PoA) provisions, to compel this Court to issue a mandamus to the learned Trial Court.

Section 528 bnss—ends of justice cannot be converted into “process management”:

37. Section 528 BNSS saves the inherent power to prevent abuse of process and secure ends of justice. The petitioner's prayer, however, is not to quash a proceeding, not to correct a jurisdictional illegality apparent on the face of record, but to obtain a direction that her recall petition be decided "on the same day".

38. Granting such a direction, in the manner sought, would amount to this Court micro-managing the learned Trial court process, particularly in a sensitive sessions trial, and may unintentionally be perceived as conferring an undue procedural advantage. The learned Trial Court is bound to act in accordance

5 2024 INSC 434



WEB COPY with law. It is presumed to consider applications fairly, including recall of warrants, after hearing the victim-side in terms of Section 15A of the SC/ST (PoA) Act. There is therefore no compelling necessity to invoke Section 528 BNSS for the limited “same day consideration” direction.

39. The petitioner repeatedly asserts that she is only a peripheral accused and seeks to portray herself as a mere “customer”/non-participant. This Court is not persuaded to entertain such merits-laden characterisation in a petition of this nature. Whether the petitioner has a peripheral role, whether she was a conspirator, whether there is material to connect her, and whether the SC/ST (PoA) provisions are attracted are all questions that fall within the domain of the learned Trial Court at appropriate stages, including consideration of recall, bail (if maintainable), discharge, and trial. In a direction petition under Section 528 BNSS, this Court will not pre-judge the petitioner’s role by accepting the “customer” label, nor will it craft directions on that premise.



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Application of Inder Mohan Goswami principles:

40. The Hon'ble Supreme Court in ***Inder Mohan Goswami and Another v. State of Uttaranchal and Others***⁶, has elaborately dealt with the principles governing issuance of warrants. The extracted portion relied upon by this Court is retained verbatim below:

“47. Before parting with this appeal, we would like to discuss an issue which is of great public importance, i.e., how and when warrants should be issued by the Court? It has come to our notice that in many cases that bailable and non-bailable warrants are issued casually and mechanically. In the instant case, the court without properly comprehending the nature of controversy involved and without exhausting the available remedies issued non-bailable warrants. The trial court disregarded the settled legal position clearly enumerated in the following two cases.

48. In *Omwati v. State of UP & Another* (2004) 4 SCC 425, this court dealt with a rather unusual matter wherein the High Court firstly issued bailable warrants against the appellant and thereafter by issuing non-bailable warrants put the complainant

6 2007 (12) SCC 1



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WEB COPY of the case behind bars without going through the facts of the case. This Court observed that the unfortunate sequel of such unmindful orders has been that the appellant was taken into custody and had to remain in jail for a few days, but without any justification whatsoever. She suffered because facts of the case were not considered in proper perspective before passing the orders. The court also observed that some degree of care is supposed to be taken before issuing warrants.

49. In *State of U.P. v. Poosu & Another* (1976) 3 SCC 1 at para 13 page 5, the Court observed:

13...Whether in the circumstances of the case, the attendance of the accused respondent can be best secured by issuing a bailable warrant or non- bailable warrant, is a matter which rests entirely in the discretion of the court. Although, the discretion is exercised judiciously, it is not possible to computerize and reduce into immutable formulae the diverse considerations on the basis of which this discretion is exercised. Broadly speaking, the court would take into account the various factors such as the nature and seriousness of the offence, the character of the evidence, circumstances peculiar to the accused, possibility of his absconding, larger interest of the public and the State.



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Personal liberty and the interest of the State

50. Civilized countries have recognized that liberty is the most precious of all the human rights. The American Declaration of Independence 1776, French Declaration of the Rights of Men and the Citizen 1789, Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights 1966 all speak with one voice - liberty is the natural and inalienable right of every human being. Similarly, Article 21 of our Constitution proclaims that no one shall be deprived of his liberty except in accordance with the procedure prescribed by law.

51. The issuance of non-bailable warrants involves interference with personal liberty. Arrest and imprisonment means deprivation of the most precious right of an individual. Therefore, the courts have to be extremely careful before issuing non-bailable warrants.

52. Just as liberty is precious for an individual so is the interest of the society in maintaining law and order. Both are extremely important for the survival of a civilized society. Sometimes in the larger interest of the Public and the State it becomes absolutely imperative to curtail freedom of an individual for a certain period, only then the non-bailable warrants should be issued.



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53. **When non-bailable warrants should be issued**

Non-bailable warrant should be issued to bring a person to court when summons of bailable warrants would be unlikely to have the desired result. This could be when:

it is reasonable to believe that the person will not voluntarily appear in court; or

** the police authorities are unable to find the person to serve him with a summon; or*

** it is considered that the person could harm someone if not placed into custody immediately.*

54. As far as possible, if the court is of the opinion that a summon will suffice in getting the appearance of the accused in the court, the summon or the bailable warrants should be preferred. The warrants either bailable or non-bailable should never be issued without proper scrutiny of facts and complete application of mind, due to the extremely serious consequences and ramifications which ensue on issuance of warrants. The court must very carefully examine whether the Criminal Complaint or FIR has not been filed with an oblique motive.

55. In complaint cases, at the first instance, the court should direct serving of the summons along with the copy of the complaint. If the accused seem to be avoiding the summons, the court, in the second instance should issue bailable- warrant. In the third instance, when the court is fully satisfied that the



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accused is avoiding the courts proceeding intentionally, the process of issuance of the non-bailable warrant should be resorted to. Personal liberty is paramount, therefore, we caution courts at the first and second instance to refrain from issuing non-bailable warrants.

56. The power being discretionary must be exercised judiciously with extreme care and caution. The court should properly balance both personal liberty and societal interest before issuing warrants. There cannot be any strait-jacket formula for issuance of warrants but as a general rule, unless an accused is charged with the commission of an offence of a heinous crime and it is feared that he is likely to tamper or destroy the evidence or is likely to evade the process of law, issuance of non-bailable warrants should be avoided.

57. The Court should try to maintain proper balance between individual liberty and the interest of the public and the State while issuing non-bailable warrant.

58. On consideration of the totality of facts and circumstances of this case, the impugned judgment and order of the High Court cannot be sustained.”



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41. There can be no dispute that the present case relates to a heinous honour killing of a young and enterprising engineer belonging to a Scheduled Caste community. The Investigating Agency has, however, consciously allowed the 3rd accused, who is part of the same departmental fraternity, to submit to interrogation without being placed under arrest.

42. Considering the brutality of the offence, the subsequent acts alleged against the accused collectively, and the undeniable possibility of institutional influence of A1 and A2, this Court apprehends that the decision not to arrest A3 carries a tangible risk of witness intimidation or influence, thereby striking at the fairness of the investigative process. The discretion to issue bailable or non-bailable warrants vests with the Trial Court. In the present circumstances, this Court is persuaded that the learned Trial Court has appropriately exercised such discretion, prioritising the larger societal interest while addressing the entrenched social evil of honour killing, without disproportionately trenching upon personal liberty.



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43. Despite the subsistence of a Non-Bailable Warrant, the petitioner/3rd accused seeks a special and expedited consideration of her recall application on the very day of surrender, an indulgence akin to that earlier extended by the Investigating Agency. Acceding to such a request would, in the considered view of this Court, frustrate the object and spirit of Section 15A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, which is designed to safeguard victims and witnesses from coercion and undue influence.

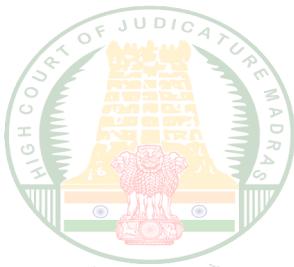
44. Thus, this Court finds no merit in invoking its inherent jurisdiction under Section 528 BNSS to issue the direction sought. Notwithstanding the dismissal of this Criminal Original Petition and without expressing any opinion on the merits of the prosecution case, this Court deems it appropriate to record a supervisory observation with regard to the manner in which the investigation has been conducted in the present case. The explanation offered for the non-arrest of this petitioner, particularly when the allegations disclose grave offences carrying severe penal consequences and implicating provisions of the SC/ST (Prevention of Atrocities) Act,



WEB COPY does not inspire confidence and falls short of the standard of transparency and rigour expected of an investigating agency.

45. This Court is constrained to observe that selective exercise of investigative discretion, especially where the accused occupy positions within the law-enforcement machinery, has the potential to erode public confidence in the fairness of criminal investigation. The objectives of the SC/ST (Prevention of Atrocities) Act, more particularly the protective mandate under Section 15A concerning victims and witnesses, require investigations to be conducted with heightened sensitivity, impartiality, and promptness, ensuring that victims are not reduced to mere spectators in the justice delivery process.

46. This observation is intended only as a reminder of institutional responsibility and shall not be construed as a finding, direction, or mandate affecting the pending trial or the rights and liabilities of the parties. It is expected that the investigating agency and the prosecuting machinery will, in future, scrupulously adhere to the statutory safeguards and constitutional obligations governing



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investigation, so as to preserve both the integrity of the process and the confidence of the victim and society at large.

47. In the result, this Criminal Original Petition is dismissed.

48. It is, however, clarified that the petitioner is at liberty to appear/surrender before the learned II Additional District Court, Tirunelveli, in S.C.No.120 of 2025, and seek appropriate relief in accordance with law, and the Trial Court shall deal with such application uninfluenced by any observations made herein.

02.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

1.The Judge,
II Additional District Court, Tirunelveli.

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

3.The Inspector of Police,
CBCID South Police Station,
Tirunelveli District.



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4. The Additional Public Prosecutor,
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Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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