

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.7378 of 2026

V.Marisamy

.... Petitioner

versus

1. The Superintendent of Police,
Tirunelveli.

2. The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.

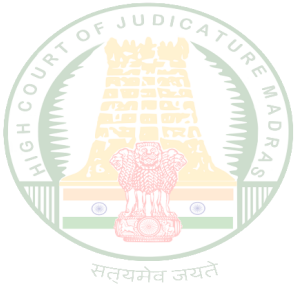
3. The Inspector of Police,
CBCID,
Tirunelveli.

... Respondents

Petition filed under Section 528 of BNSS, to transfer the investigation in Crime No.134 of 2026 pending on the file of the 2nd respondent to the 3rd respondent or any other independent investigating agency, to ensure a fair, impartial and proper investigation into the unnatural death of the petitioner's minor daughter.

For Petitioner : Mr.S.Parthiban

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)



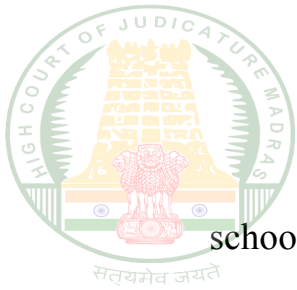
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ORDER

The petitioner is the unfortunate father of a 5-year-old daughter, who tragically lost her life. Apprehending whether it is an accident or a planned murder, he has approached this Court, seeking transfer of investigation.

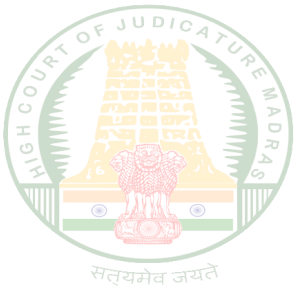
2. The petitioner's daughter, who was studying UKG in a private school, was found dead inside the school campus on 24.03.2026. The school management claims that two persons, who came to the School in a car to see a staff of the school, drove the car in a rash and negligent manner inside the school premises and hit the child, due to which, the petitioner's daughter died. A criminal case was registered at the instance of the petitioner on the file of the respondent police in Crime No.134 of 2016 and the same is pending at the stage of investigation. The petitioner, not satisfied with the manner in which the case was registered and investigated, has approached this court seeking the above relief.

3. The learned counsel for the petitioner submits that the petitioner's daughter, aged about 5 years, was studying in a private school in UKG. The



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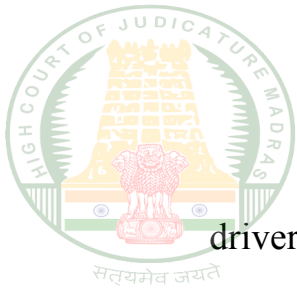
school children are picked up and dropped in a school van and the van would come around 4:20 p.m in the evening. The petitioner's daughter went to the school as usual in the school van on 24.03.2026 and did not return home in the evening. When the petitioner went to receive his daughter from the school van at around 4:20 p.m, his daughter was not there and the driver of the school van handed over her school bag alone and asked the petitioner to verify with the school regarding what happened to his daughter. However, a friend of the petitioner's daughter, one Shrisa has informed the petitioner that his daughter met with an accident inside the school premises. Therefore, the petitioner rushed to the school where there were around 20 policemen already standing inside the school premises. He was directed to go to the hospital in an adjacent building which also belonged to the school administration. The hospital staff did not permit the petitioner to see his daughter and informed him that treatment was going on. The petitioner along with his wife forcibly entered inside the hospital and found that their daughter was already dead. When they were enquiring as to the cause of death of the child, the child was taken to the government hospital where postmortem was conducted and thereafter, the body was handed over to the petitioner.



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4. The grievance of the petitioner is that he was not informed about the incident till he personally saw the dead body of his daughter in the hospital. Neither the Principal nor the Correspondent of the school informed about this incident to the petitioner, the parent of the child. The child was studying UKG and went to the school in the morning. They have provided a lunch box to the child. The lunch break is from 12 noon till 1 p.m. The school administration is attempting to project that an accident had taken place at about 3:30 p.m when the child was about to get into the school bus. However, the child has not eaten the lunch on that day and the returned school bag contained a full lunch box. Therefore, he is having a doubt as to whether the occurrence had taken place around 3:30 p.m as projected by the school management or whether the incident actually occurred at about 12 noon during the lunch hours.

5. The other grievance of the petitioner is that the school campus is fully covered with CCTV cameras. That apart, the hospital situated opposite to the school was also equipped with CCTV cameras. It is not clear as to how the car was allowed to enter into the school premises and how the

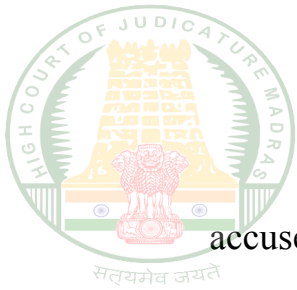


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driver has driven the car in a rash and negligent manner within the school campus. The same can be verified only using the CCTV footage. However, the CCTV footage from the school and the hospital were not shown to him and the respondent police have not taken steps to recover the same.

6. The learned counsel for the petitioner also submits that the petitioner's friend one Poosaidurai has tried to contact the Principal of the school on coming to know about the occurrence. However, the Principal has not answered the calls of the petitioner's friend for 5 times and attended the call only on the sixth time. He also alleges that the school management has approached the petitioner and handed over a sum of Rs.20 lakh as compensation and requested him not to file any suit for damages. The petitioner was not inclined to accept the same, however, his father-in-law received the amount and he was pressured to sign a bond that he would not claim any damages against the management.

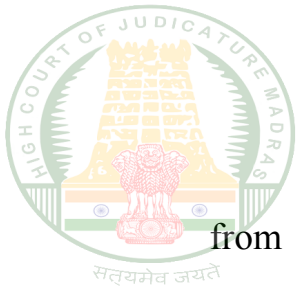
7. He further submits that the respondent police has not acted in a proper manner and registered the FIR immediately after the receipt of the information and they have filed an alteration report adding the name of the



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accused only on the next day to the occurrence. The police were informed about the occurrence even before the petitioner received the information and around 20 policemen were already present in the school premises when the petitioner went to the school. However, they were particular in providing protection to the school administration rather than seizing the car which was allegedly involved in the occurrence and they did not file an FIR till the petitioner lodged a written complaint regarding the same. Moreover, they have not taken steps to recover the CCTV footage from the school and also the hospital building. In the event if the CCTV footage is not collected immediately, it is apprehended that it would disappear and therefore, the petitioner seeks the immediate intervention of this court to transfer the investigation from the respondent police to the CB-CID.

8. The learned Government Advocate (Crl. Side) appearing for the respondent police submits that the CCTV footage has been recovered by the investigating agency and they have also identified the accused, who have taken an Innova car bearing Reg.No.TN 79K0027 to the school to see one Suresh, the son of the Correspondent. The accused persons are the friends of said Suresh. According to him, the CCTV footage inside the school and

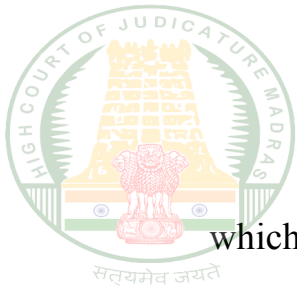


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from hospital situated opposite to the school were also recovered by the respondent police and when they verified the same, they found that the watchman has in fact objected the car entering into the school that the school students would come out by that time, however, the accused have entered into the school and drove the car in a rash and negligent manner and therefore, the accident had taken place. He further submits that even though the complaint was lodged by the petitioner as against unknown persons, however, on the next day, the respondent Police has acted in a swift manner, identified the accused and also added the accused's name in Crime.No.134 of 2026 by filing an alteration report.

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

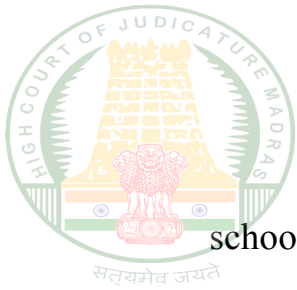
10. The petitioner lost his daughter aged about 5 years and his daughter died in the school, where she was studying, in an alleged accident. Goddess Saraswati is considered to be a symbol of Education and imparting education was considered to be holy for sometime in this country. Nowadays, it has become a lucrative business. The school management in



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which the petitioner's daughter was studying is also running a multi-speciality hospital opposite to the school. Admittedly, the petitioner's daughter died in the school campus. The school is a fully compounded one. The respondent police claim that the daughter of this petitioner died in an accident inside the school campus on 24.03.2026 at about 03:55p.m. The petitioner claims that he was not informed about this incident by the school management and that the principal has not even attended the phone calls made by the petitioner's friend. The petitioner also claims that he provided his daughter with a lunch box and the lunch was not eaten on the day by the child. The lunch box was found full when it was returned to the petitioner and therefore, the petitioner is having a reasonable doubt that the occurrence could have taken place during the lunch hours. However, the school management is projecting that an accident occurred at around 03:55 p.m.

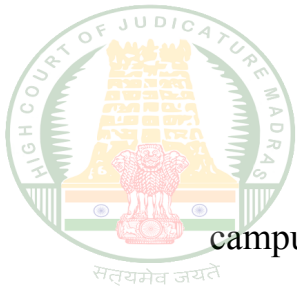
11. The petitioner claims that when he reached the school, around 20 police personnel were present inside the school premises. Therefore, the respondent police would have received information about the occurrence from the school management. While so, in all fairness, the respondent police ought to have received the complaint from the first informant (i.e.) the



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school management and registered an FIR. They are not supposed to wait for the formal complaint from the petitioner/father. The case was registered on 24.03.2026 as against the unidentified driver of a private vehicle who caused the accident and as against the correspondent of the school. The respondent police now claim to have found the real accused and altered the FIR by filing an alteration report on 25.03.2026. They also claim that they have recovered the CCTV footage from school and the hospital located opposite to the school. When the CCTV cameras are available in the school and when the police personnel were also present in the school premises before the petitioner arrived, then they could have easily identified the number of the vehicle which caused the death of the child. The school management could have easily provided details about the vehicle to the respondent police or at least to the petitioner. They have intentionally suppressed the information by not informing the respondent police and the petitioner about the vehicle which caused the accident.

12. As stated by the petitioner and the respondent police, it appears that this private school is a compounded one with a gate and watchman. While so, it is not known as to how this car was permitted inside the school



campus during school hours. The respondent police claim that the watchman has not permitted the vehicle inside the campus and that the accused have entered the school campus in a forcible manner. In the event if the respondent police were informed about the vehicle number in time, then the accused would have been secured on the same day and the respondent police could have found out whether the accused were in an inebriated state or not.

13. Admittedly, the watchman who guarded the gate of the school campus objected to the accused entering the school campus. While so, it is highly unbelievable that the accused were allowed to escape from the school campus after the occurrence. According to the respondent police, the accused entered the school campus to see one Suresh, son of the correspondent of the school and therefore, it appears that the school management has allowed the accused to escape from the place of occurrence when they have committed a grave crime of murdering an innocent 5 year old child. Though there is some doubt regarding the exact time of occurrence, the FIR in Crime No.134 of 2026 has been registered belatedly at 10:20 p.m. on 24.03.2026 even though the occurrence had taken place



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inside the school premises and the same was informed to the respondent police immediately by the school management. Therefore, this court is also having a reasonable doubt that the respondent police has not acted in a proper manner as expected from them. Normally, in this system poor victims rarely get justice. Considering the manner in which the FIR has been registered belatedly, without specifying the name of the accused and without securing the accused and also considering the fact that the vehicle involved was not immediately seized by the respondent police, this court is of the view that this is a fit case for transfer of investigation. However, this court is of the view that it does not require an investigation by the CB-CID and therefore, this court directs the Superintendent of Police, Tenkasi, to withdraw the case in Crime No.134 of 2026 from the file of the 2nd respondent police and entrust the same to a sincere police officer, either in the rank of Deputy Superintendent of Police or Inspector of Police and ensure that a fair and proper investigation is conducted in this case.

14. The victims have a right to fair investigation which is a part of the right to life guaranteed under Article 21 of the Constitution. When the power of investigation vests with the State, then this power has to be

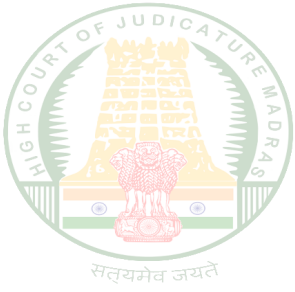


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discharged with diligence and it is a solemn responsibility of the State to ensure that the investigation is conducted in a proper manner and in accordance with the law. Considering the manner in which this case has been investigated, this court directs the new Investigating Officer to furnish the petitioner with a copy of the CCTV footage recovered from the school premises and the hospital opposite to the school covering the occurrence. The new investigating officer has to find out the exact time of occurrence by examining the school staff and students apart from the watchman. The progress of the investigation along with the postmortem certificate shall also be furnished to the petitioner so that confidence is created in the investigation.

15. With a hope that a proper investigation would be conducted hereafter, this court refrains from transferring the investigation to the CB-CID. In the event, if the investigation is still not conducted in a proper manner, it is open to the petitioner to move this Court and seek further transfer of investigation.



16. With the above directions, this Criminal Original Petition stands disposed of.

10.04.2026

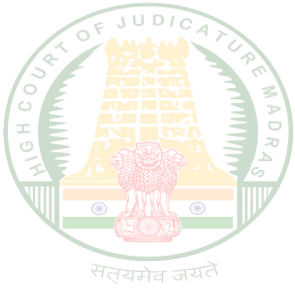
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NCC : Yes / No.
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Internet : Yes / No.

To

1. The Superintendent of Police,
Tirunelveli.
2. The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
3. The Inspector of Police,
CBCID,
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

5. The Superintendent of Police,
Tenkasi.



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B.PUGALENDHI, J.

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