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W.P.No.1437 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

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THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1437 of 2025

and

W.M.P.Nos.1677 & 1678 of 2025

K.Palanivel

....

Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary,
Home Department, Secretariat,
Chennai 600 009.

2.The Director General of Police,
O/o.The Director General of Police,
Mylapore, Chennai 600 004.

3.The Superintendent of Police,
Villuppuram District,
Villuppuram.

4.The Inspector of Police,
Vikkiravandi Police Station,
Villuppuram District.

5.The Inspector of Police,
CBCID, Villuppuram.

6.Central Bureau of Investigation,
Shastri Bhavan,
Nungambakkam,
Chennai 600 006.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the second respondent



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to transfer the investigation in connection with the Crime No.6 of 2025 under the jurisdiction of the 4th respondent police be transferred to the 5th or 6th respondent investigation agency and to direct the 5th and 6th respondent's agency to conduct a fresh, fair and impartial investigation into the matter and appropriate actions be taken against all those involved in the offences within a stipulated period of time fixed by this Court.

For Petitioner : Mr.M.Dinesh
For Respondents : Mr.K.M.D. Muhilan
1 to 5 Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed to direct the second respondent to transfer the investigation in connection with the Crime No.6 of 2025 under the jurisdiction of the 4th respondent police, to the 5th or 6th respondent investigation agency and to direct the 5th and 6th respondent agency to conduct a fresh, fair and impartial investigation into the matter and appropriate actions be taken against all those involved in the offences within a stipulated period of time fixed by this Court.

2.The petitioner is the father of the victim. His daughter was studying in St.Marys Matriculation Higher Secondary School at Vikkiravandi, Villuppuram, in class LKG-B. On 03.01.2025, he received a phone call from



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the school management that his daughter slipped and fell down at the school, sustained injuries and she had been admitted in the Mundiampakkam Government hospital. Thereafter, he found that his daughter fell down in the septic tank and died.

3.Initially, FIR had been registered under Section 194 (1) of the BNSS, 2023. After investigation, FIR has been altered into for the offences under Section 105 of the BNS, alleging that due to the negligent act of the school management, the petitioner's daughter fell down in the septic tank and died.

4.The learned counsel for the petitioner would submit that though the accused have been arrested, they were not remanded to judicial custody. The fourth respondent helped the accused persons and thereafter, they were released on bail. That apart, the occurrence had happened only because of the negligence of the school management and the petitioner also suspect that brutal attack was made on the child, due to which, she had died. The learned counsel for the petitioner also produced some photographs showing some blood stains in the dress of the child.



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5.The learned Government Advocate submitted that on verification of the CCTV footage, it is found that the daughter of the petitioner, while going to restroom, fell down in the septic tank, which was not covered by the school management. Therefore, after registering FIR under Section 194 (1) of the BNSS, 2023, it was rightly altered into for the offences under Section 105 of the BNS and the police have arrested three accused persons. Subsequently, they were released on bail. That apart, now the investigation is conducted by the DSP, Vikravandi Villupuram District. In the entire investigation, 23 witnesses have been examined and he is about to complete the investigation and to file a final report. He further submitted that at this stage, change of investigation will affect the investigation done by the DSP, Vikkiravandi, Villuppuram.

6.In view of the submissions made, this Court finds no ground to transfer the investigation in Crime No.6 of 2025 to any other investigation agency since already the DSP, Vikkiravandi, Villuppuram, is investigating the case. The DSP, Vikkiravandi, Villuppuram District, is directed to complete the investigation and file the final report in Crime No.6 of 2025, within a period of 12 weeks from the date of receipt of a copy of this order. Further, the fourth respondent is directed to furnish a copy of the CCTV footage to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.



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7. With the above directions, this Writ Petition stands dismissed. No

costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Internet: Yes/No

To

1. The State of Tamil Nadu,
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2. The Director General of Police,
O/o. The Director General of Police,
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3. The Superintendent of Police,
Villuppuram District, Villuppuram.

4. The Inspector of Police,
Vikkiravandi Police Station,
Villuppuram District.

5. The Inspector of Police,
CBCID, Villuppuram.

6. Central Bureau of Investigation,
Shastri Bhavan, Nungambakkam,
Chennai 600 006.

7. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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