



W.P.No.3727 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 13.02.2025

PRONOUNCED ON : 21.02.2025

CORAM

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

W.P.No.3727 of 2025 and
W.M.P.No.4112 of 2025

Gurucharan Sivaraj

....

Petitioner

Vs.

1.The Director General of Police,
Government of Tamil Nadu,
Mylapore, Chennai 600 004.

2.The Superintendent of Police,
Nilgiris District,
Ooty – 643 001.

3.The Inspector of Police,
All Women Police Station,
State Bank Road,
Upper Bazar, Ooty,
Tamil Nadu 643 001.

4.The Inspector of Police,
All Women Police Station,
Basavangudi,
Bangalore 560 004.

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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 3rd respondent to



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comply with the orders dated 10.01.2025 and 21.01.2025, passed by the learned Sessions Judge, Magalir Neethi Mandram of Nilgiris, thereby completing the investigation pursuant to the Zero FIR No.1 of 2025, dated 06.01.205 and file the charge sheet within the time frame fixed by this Court.

For Petitioner : Mr.Abdukumar Rajarathinam,
Senior Counsel

For Respondents : Mr.K.M.D. Muhilan
1 to 4 Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed to direct the third respondent to comply with the orders dated 10.01.2025 and 21.01.2025, passed by the learned Sessions Judge, Magalir Neethi Mandram, Nilgiris, thereby, directing to complete the investigation in Zero FIR No.1 of 2025, dated 06.01.205 and file a charge sheet within the time frame fixed by this Court.

2.The petitioner is the father of the minor victim girl. The victim is studying 9th standard in a boarding school at Ooty. The accused 1 & 2 are maternal grandfather and aunt of the victim girl. The victim girl used to spend her Winter holidays at her grandfather and aunt's house at Bangalore and the same continued even after the demise of her mother. On 04.12.2024, the petitioner and the victim girl went to her grandfather's house to spend her



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Winter holidays. After completion of her holidays, on 09.12.2024, she returned to Ooty. While she was with her grandfather, he threatened the victim girl and took her phone and transferred all her personal photos to his phone without her permission and abused her physically and verbally. Further, he also threatened her with dire consequences. While she was staying with her grandfather, on 02.01.2025, when the victim girl was sleeping with her grandmother, her grandfather went to their room and he misbehaved with her. He also sexually assaulted her. However, the victim did not tell to her grandmother as she was in a state of shock. Thereafter, her aunt attempted to take her finger prints. When the victim refused to do so, her grandfather dragged her down the staircase by pulling her hair and pushed her to the sofa and had beaten her. When the petitioner went to Bangalore to pick up her, he was not allowed to go inside the house and as such, the petitioner called the local police and they came to rescue the victim from her grandfather. Immediately, she was taken to Skanda Health Care at Bangalore and she was treated for her injuries sustained on her Nose. Thereafter, they came to Ooty on 04.01.2025.

2.1.The petitioner received a phone call from the relatives and friends informing that the victim's grandfather had shared the personal photographs of the victim girl along with screenshots of Whatsapp and abusing the victim and



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tarnishing her image by morphing her photo with nude photographs. Therefore,

WEB a complaint was lodged and on receipt of the same, the third respondent registered a Zero FIR in Zero FIR No.1 of 2025 as against the victim's grandfather and aunt for the offences under Sections 7 & 8 of the POCSO Act, Section 115 (2) of the BNS Act and Section 67A of the Information Technology Act, 2000.

2.2.Pursuant to the registration of the FIR, the accused moved application seeking anticipatory bail before the learned Session Judge, Magalir Neethi Mandram, Nilgiris. The learned Session Judge, Magalir Neethi Mandram, Nilgiris, passed an interim order, thereby directing the third respondent not to arrest the accused on appearance on condition to deposit for a sum of Rs.10,00,000/- jointly on or before 21.01.2025. Further, directed the third respondent to complete the investigation expeditiously and file a final report and imposed a condition that the accused shall not leave Ooty until further orders. On 21.01.2025, when the counsel for the victim appeared and produced medical records of the physical abuse made by the accused and also produced the photographs, which were allegedly the accused had sent it to the victim's friends, relatives and her classmates, the Trial Court directed the third respondent to conduct investigation and file a preliminary report with the aid of the Cyber Crime Division of Ooty on 27.01.2025. However, no preliminary

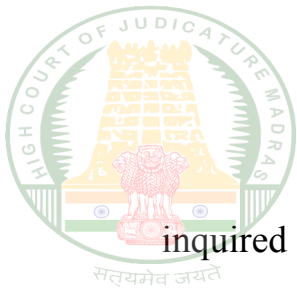


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report was filed by the third respondent on 27.01.2025 and they filed a report

stating that they have no jurisdiction to conduct the investigation since the entire occurrence had taken place at Bangalore. The learned Session Judge, Magalir Neethi Mandram, Nilgiris, dismissed the anticipatory bail petition filed by the accused on the ground that the Court has no jurisdiction.

3.The learned Senior Counsel appearing for the petitioner would submit that though part of the occurrence had happened at Bangalore, when the victim girl was at Ooty, her relatives, friends and family members had received message through Whatsapp from the accused by morphing the victim girl's photographs with nude photographs. Therefore, the third respondent registered the FIR for the offences under Section 67A of the Information Technology Act, 2000. Therefore, part of the crime was committed at Ooty and as such, the third respondent has got jurisdiction to investigate the crime. He also pointed out as per Section 199 of BNSS, 2023, when an act is an offence by reason of anything which has been done and of a consequence which has ensued, the offence may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued. Section 198 of BNSS, 2023, also speaks about the place of inquiry and trial, where an offence is committed partly in one local area and partly in another area, it may be



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inquired into or tried by a Court having jurisdiction over any of such local areas. Therefore, the third respondent has got jurisdiction to investigate the crime.

3.1. In support of his contentions, he produced the judgment of the Hon'ble Supreme Court in *Sunita Kumari Kashyap Vs. State of Bihar and another* reported in (2011) 11 SCC 301 and the Hon'ble Supreme Court held that when it is uncertain in which of several local areas an offence was committed or where an offence is committed partly in one local area and partly in another or where an offence is a continuing one, and continues to be committed in more than one local area and takes place in different local areas as per Section 178 of Cr.P.C., the Court having jurisdiction over any of such local areas is competent to inquire into and try the offence. Section 179 of Cr.P.C. makes it clear that if anything happened as a consequence of the offence, the same may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued.

4. On perusal of the counter filed by the third respondent and on the submissions made by the learned Government Advocate (Crl.Side), it is seen that on receipt of the complaint from the petitioner, the third respondent



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registered Zero FIR in in Zero FIR No.1 of 2025 for the offences under

Sections for the offences under Sections 7 & 8 of the POCSO Act, Section 115

(2) of the BNS Act and Section 67A of the Information Technology Act, 2000.

As directed by the learned Session Judge, Magalir Neethi Mandram, Nilgiris, preliminary enquiry was done by taking the victim girl for medical examination. During the preliminary investigation, the third respondent found that the alleged occurrence took place at Bangalore in the house of the accused, namely, the grandfather of the victim girl. Therefore, the investigation has to be done with the neighbours, servants and other housemates of the accused at Bangalore. Further, the CCTV footage and other materials available in and around the scene of crime ought to have been investigated and the scene of occurrence is located at Karnataka. Therefore, it would be difficult for the third respondent to enquire and record the statement of the witnesses at Bangalore since their mother tongue is Kannada.

4.1. That apart, the Fast Track Mahila Court at Bangalore has jurisdiction to conduct the trial. The learned Session Judge, Magalir Neethi Mandram, Nilgiris, has no jurisdiction to try the offences, which were committed at Bangalore. Therefore, the third respondent has to take steps to transfer the investigation to the jurisdictional police, namely, the fourth



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respondent, for continuation of investigation and to file a final report. In fact,

the occurrence had taken place outside the jurisdiction of the third respondent and as such, the third respondent registered the Zero FIR with an intention to transfer the same to the jurisdictional police.

5. Admittedly, after the alleged occurrence which took place on 02.01.2025, the victim girl was taken to Ooty on 04.01.2025 by the petitioner. Thereafter, the petitioner had received messages through Whatsapp, i.e., nude photographs of the victim girl, which was allegedly morphed by the accused by getting the personal photographs of the victim from her mobile phone. The said messages were sent to all of the family members, classmates, friends and relatives of the victim girl at Ooty. Therefore, the third respondent registered FIR for the offences under Sections 7 & 8 of POCSO Act, Section 115 (2) of the BNS Act, including for the offence under Section 67 A of the IT Act, 2000. Therefore, part of the offence was committed by the accused within the jurisdiction of the third respondent. Further, in pursuance of the directions issued by learned Session Judge, Magalir Neethi Mandram, Nilgiris, the third respondent subjected the victim girl for medical examination and also recorded her statement under Section 183 of BNSS, 2023 before the Jurisdictional Magistrate, Ooty. Therefore, the third respondent has got jurisdiction



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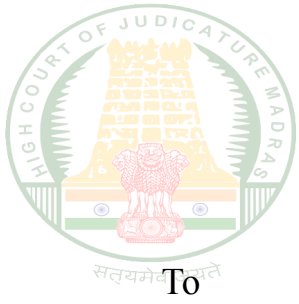
to investigate Crime No.1 of 2025, registered for the offences under Sections 7 & 8 of the POCSO Act, Section 115 (2) of the BNS Act and Section 67A of the Information Technology Act, 2000. Further, section 199 of BNSS, 2023 permits the third respondent to proceed with the investigation and the learned Session Judge, Magalir Neethi Mandram, Nilgiris, has jurisdiction to try the offence allegedly committed by the accused.

6.In view of the above, the third respondent is directed to conduct the investigation in Crime No.1 of 2025 as it is within the jurisdiction of the third respondent and complete the same within a period of twelve (12) weeks from the date of receipt of a copy of this order and file a final report.

7.With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2025

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Index:Yes/No
Internet:Yes/No
Speaking Order/Non Speaking Order



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To
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1.The Director General of Police,
Government of Tamil Nadu,
Mylapore,
Chennai 600 004.

2.The Superintendent of Police,
Nilgiris District,
Ooty – 643 001.

3.The Inspector of Police,
All Women Police Station,
State Bank Road,
Upper Bazar, Ooty,
Tamil Nadu 643 001.

4.The Inspector of Police,
All Women Police Station,
Basavangudi,
Bangalore 560 004.

5.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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Pre-delivery Order made in
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