



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25703 of 2023

K.Shanmugapriya

.... Petitioner

Vs

1.The Commissioner of Police,
Commissioner Officer,
Vepery, Chennai – 600 010.

2.The Inspector of Police,
All Women Police Station W24,
Teynampet, Chennai – 600 018.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 2nd respondent to reopen the Investigation and investigate the case with further evidence / statement / facebook messages, etc., in respect of cell phone and to seize the cell phone and to file additional report in respect of case in Crime No.1 of 2021 (on the file of the 2nd respondent police).

For Petitioner : Mrs.T.Sreelekha

For Respondents

For R1 & 2 : Mr.K.M.D Muhulan
Government Advocate (Crl. Side)

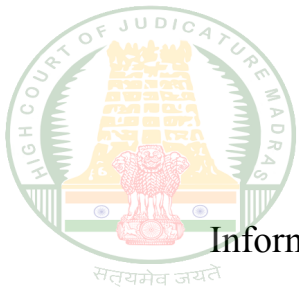


ORDER

WEB COPY This Writ Petition has been filed for a direction directing the second respondent to reopen the investigation for further investigation and to file an additional report in respect of case in Crime No.1 of 2021.

2. On the complaint lodged by the petitioner/defacto complainant, an FIR has been registered in Cr.No.1 of 2021 for the offences under Sections 376, 417, 420, 294(b), 506(2) and 509 of IPC as against 7 accused persons. After completion of final report, the same has taken cognizance in S.C. No. 351 of 2023 on the file of the Mahila Court, Allikulam, Chennai and it is pending for trial. Even before completion of investigation, the petitioner filed a representation stating that there are material evidence available to attract offence under Information Technology Act, 2000 by seizure of cell phone from the accused.

3. The learned Government Advocate (Crl.Side) submitted that on provisions available to invoke additional charges as well as the implication of other accused under the BNSS, the petitioner can very well file appropriate petition during trial. However, the facebook messages and other materials show that the offence under the



Information Technology would attract as against the accused.

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4. In view of the above, the second respondent is directed to conduct further investigation in the light of the materials produced by the petitioner by seizing of all messages from the accused facebook and seizure of cell phone and complete the same within a period four weeks and file an additional report, if any, before the trial Court within a period of six weeks from the date of receipt of the copy of the order, till then the Trial Court is directed not to proceed with the Trial. After completion of six weeks, the Trial Court is directed to proceed with the trial by the additional report.

5. With the above directions, this Writ Petition is disposed of. No costs.

20.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rkp



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G.K.ILANTHIRAIYAN, J.

rkp

To

1.The Commissioner of Police,
Commissioner Officer,
Vepery,
Chennai – 600 010.

2.The Inspector of Police,
All Women Police Station W24,
Teynampet, Chennai – 600 018.

W.P.No.25703 of 2023

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