



Crl.O.P.No.5789 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2025

CORAM:

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

Crl.O.P.No.5789 of 2025

and

Crl.M.P.No.3750 of 2025

Kalarani
S/o.Veerayan

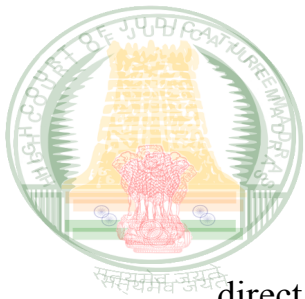
... Petitioner

Vs.

1. The Commissioner of Police,
Tambaram,
Chennai 600 008.
2. The Inspector of Police,
Peerkankaranai Police Station,
Chengalpet District.
3. The Sub-Inspector of Police,
Peerkankaranai Police Station.
4. Rangachari
S/o.Seshadri

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the final report filed in C.C.No.374 of 2022 on the file of learned Judicial Magistrate No.1, Tambaram and set aside the same and consequently



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direct the respondents to transfer the investigation to CBI and to re-investigate the case in Crime No.743 of 2021 on the file of S-14, Peerkkankaranai Police Station in the interest of justice.

For Petitioner : Mr.C.Prabhu

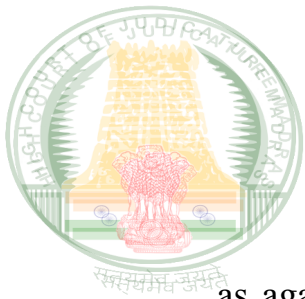
For Respondent : Mr.K.M.D.Muhilan

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to call for the records of the final report filed in C.C.No.374 of 2022 on the file of learned Judicial Magistrate No.1, Tambaram and set aside the same and consequently direct the respondents to transfer the investigation to CBI and to re-investigate the case in Crime No.743 of 2021 on the file of S-14, Peerkkankaranai Police Station in the interest of justice.

2. The learned counsel for the petitioner submitted that the petitioner was attacked and sexually assaulted in public view near her house at Peerkkankaranai, Srinivasa Nagar by the accused persons namely Ponnambalam and his two sons Arun, Arjun and their relatives. The main grievance of the petitioner is that the petitioner made specific allegations



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as against so many persons; however, the second respondent police left the main accused persons. That apart, though many specific allegations were made against the accused persons, no charge sheet has been filed for serious allegations. The trial Court has taken cognizance of the case in C.C.No.374 of 2022, which is pending for trial for the past three years. It is submitted that after three years, the petitioner has come forward to file the present petition and sought for final report and further investigation.

3. Heard both sides and perused the materials available on record.

4. Considering the above facts and circumstances of the case, this Court is of the view that the petitioner can very well invoke Section 216 of Cr.P.C., before the trial Court. Hence, the Criminal Original Petition is dismissed.

5. It is made clear that if any materials are available to attract other offences and also to add other accused persons during the trial, the petitioner can invoke the provisions under Section 216 of Cr.P.C., before the trial Court. Consequently, connected Miscellaneous Petition is closed.



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

1. Judicial Magistrate No.1
Tambaram.
2. The Commissioner of Police,
Tambaram,
Chennai – 600 008.
3. The Inspector of Police,
Peerankaranai Police Station,
Chengalpet District.
4. The Sub-Inspector of Police,
Peerankaranai Police Station.
5. The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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