



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-10-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 28858 of 2025

R.Sangeetha

Petitioner(s)

Vs

1. The State represented by
The Inspector of Police,
R-5. Virugambakkam Police Station,
Virugambakkam, Chennai.

2.The State of Tamil Nadu,
Represented by the Commissioner of Police,
Chennai-600 007.

Respondent(s)

PRAYER Criminal Original Petition filed under section 528 of BNSS to set aside the impugned order dated 16.07.2025 in Crl.M.P.No.7735 of 2025 pending on the file of the learned XXIII Metropolitan Magistrate, Saidapet, and consequently, direct the XXIII MM Court Magistrate, Saidapet to summon the accused for facing trial and to be tried in Crime No.235 of 2023 pending on the file of the XXIII MM Court Magistrate, Saidapet.

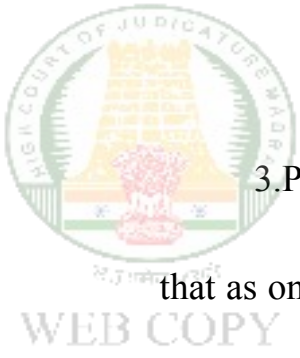
For Petitioner(s): Ms.M.Jayashree

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl.Side)

**ORDER**

This criminal original petition is filed to set aside the impugned order dated 16.07.2025, in Crl.M.P.No.7735 of 2025, pending on the file of the learned XXIII Metropolitan Magistrate, Saidapet, and consequently, direct the XXIII Metropolitan Magistrate, Saidapet to summon the accused for facing trial and to be tried in Crime No.235 of 2023 pending on the file of the XXIII Metropolitan Magistrate, Saidapet.

2.The learned counsel for the petitioner would submit that the case in Crime No.235 of 2023 was investigated by one Mr.Thompson Xavier and he had filed a report referring the case as “mistake of fact”. Against the same, the petitioner had filed a protest petition in Crl.M.P.No.7735 of 2025 and the learned XXIII Metropolitan Magistrate, Saidapet, had, by the order impugned, set aside the report of the first respondent and referred the case for further investigation to the same officer. The petitioner, on the ground that if the investigation is conducted by the very same officer, it would be a biased investigation, has filed this present petition.



3.Per contra, the learned Government Advocate (Crl.Side) would submit that as on today, the officer who has conducted the investigation, Mr.Thompson Xavier has been transferred and one Ms.Vanitha, the Inspector of Police, who has taken charge of R-5 Virugambakkam Police Station, would be taking up the case for further investigation and the petitioner's apprehension of bias on the part of the investigation officer is unfounded and thereby, he seeks dismissal of this petition.

4.In view of the submissions made by the learned Government Advocate(Crl.Side), this criminal original petition stands dismissed and the respondent police is directed to conduct the investigation in the manner known to law and file a final report within three (3) months from today.

24-10-2025

sli

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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A.D.JAGADISH CHANDIRA J.

sli

To

1. The State represented by
The Inspector of Police,
R-5. Virugambakkam Police Station,
Virugambakkam, Chennai.

2. The State of Tamil Nadu,
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