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Crl.O.P.No.29628 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2025

CORAM:

THE HON'BLE MR.JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.No.29628 of 2025 and Crl.M.P.No.20175 of 2025

J.Ajith

Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by Sub Inspector of Police
Virugambakkam Police Station
Chennai

2. J.Loganayagi

Respondents

Criminal original petition filed under Section 528 of the BNSS, 2023, to call for the records in connection with Crime No.71 of 2024, pending investigation on the file of Sub-Inspector of Police, Virugambakkam Police Station, Chennai, and quash the same.

For petitioner

Mr.R.P.Sriganesh

For R1

Mr.R.Vinothraja
Govt.Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed praying to call for the records in connection with Crime No.71 of 2024, pending investigation on the file of Sub-Inspector of Police, Virugambakkam Police Station, Chennai, and quash the same.



2. The case of the prosecution could be succinctly stated thus:

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The second respondent/de facto complainant *viz.*, Loganayagi, gave a complaint stating that on 10.02.2024, when her brother was taking her minor daughter in a two wheeler, her minor daughter was harassed by two persons, *viz.*, Surya and Surendhar; relating to this incident, the 1st respondent registered the aforesaid case under Sections 147, 323 and 294(b), IPC, Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. Learned counsel for the petitioner would submit that other than the fact that the petitioner was staying in the house of the said Surya and Surendhar and was thus known to them, he has not committed any offence, as alleged by the petitioner and he has been falsely implicated in the case and the implication of the petitioner in the FIR without there being any material or averment against him is nothing but an abuse of process of law. Based on these submissions, he sought quashment of the FIR.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is a friend of the Surendhar - Surya duo and he was standing along with Surya, when the incident happened; the petitioner has approached this Court for anticipatory bail in Crl.O.P.No.8312 of 2024 and he was granted anticipatory bail by order dated 04.04.2024; and the investigation in this matter is pending.



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5. He would further submit that earlier, the de facto complainant had approached this Court by filing Crl.O.P.No.27264 of 2024 under Section 528 of the BNSS seeking a direction to the Assistant Commissioner of Police and Sub-Inspector of Police, Virugambakkam Police Station, Chennai, to conduct further investigation in the present case and include appropriate provisions under the POCSO Act in the instant case, i.e. Crime No.71 of 2024, and to take action against all the accused; this Court also, by order dated 11.11.2024, directed the respondent police to include appropriate provisions of the POCSO Act in the FIR and conduct investigation in the manner known to law and file charge sheet within a period of three months from the date of receipt of a copy of the order and further observed that it is for the trial court to test the veracity of the complaint and statement.

6. The learned Government Advocate (Criminal Side) would further submit that within two months, investigation would be completed and if the investigation reveals that the petitioner has not committed any offence, his name will not be included in the final report.



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7. Recording the above submission of the learned Government Advocate (Crl. Side), this criminal original petition is disposed of. Connected miscellaneous petition is closed.

31.10.2025

nvsri/cad



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To

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1. The Sub Inspector of Police
Virugambakkam Police Station
Chennai.
2. The Public Prosecutor
High Court of Madras



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A.D. JAGADISH CHANDIRA, J.

nvsri/cad

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