



Crl.O.P.(MD)No.4768 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :14.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

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V.Gunasekaran

... Petitioner

Vs.

1. The State of Tamilnadu,
Represented by the Superintendent of Police,
Trichy District,
Trichy.

2. The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.
Cr.No.267/2024.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the 2nd respondent police herein to conduct further investigation in Crime No.267 of 2024 and to include all the actual offences on the basis complaint dated 19.12.2024.

For Petitioners : Mr.P.Saravanakumar

For R-1 & R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)

ORDER

This petition has been filed by the petitioner to direct the 2nd

<https://www.mhc.tn.gov.in> respondent police herein to conduct further investigation in Crime No.267



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of 2024 and to include all the actual offences on the basis of the complaint dated 19.12.2024.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the defacto complainant in this case and he lodged a complaint as against Thangaraj, Panchavarnam, Thiyagarajan, Dharmaraj, Vasantha, Kiruthika, Sasikala, Devendran and Prabhu. But, the F.I.R has been registered only against Dharmaraj and Thiyagarajan. Therefore, he sent a representation dated 06.02.2025, but the same has not been considered. Hence, he has filed this petition.

3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondents would submit that based on the complaint given by the petitioner, they registered a case in Crime No.267 of 2024 for the offences under Section 296(b), 118(1) and 351(2) of BNS, 2023 and the same is under investigation. In the mean time, the petitioner sent a representation and the same is also under consideration. Since the investigation is pending, the prayer of the petitioner for further investigation will not arise and therefore, this petition is liable to be dismissed.

4. Since the prayer of the petitioner is to conduct further investigation



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in Crime No.267 of 2024 and the investigation is pending, the prayer itself is not maintainable. Moreover, the petitioner being the complainant cannot seek further investigation and it is for the investigating officer to consider after investigation. Therefore, the prayer of the petitioner cannot be granted. However, the grievance of the petitioner is that, he lodged a complaint as against so many persons, but the F.I.R has been registered only against two persons. To that effect, the petitioner has also sent a representation on 06.02.2025 and the same was also received by the 2nd respondent. Therefore, it is for the 2nd respondent to consider the same in accordance with law during the investigation.

5. Recording the above said submissions of the learned Government Advocate, this Criminal Original Petition is closed.

14.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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P. DHANABAL. J,

Mac

To

1. The State of Tamilnadu,
Represented by the Superintendent of Police,
Trichy District,
Trichy.

2. The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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