



Crl.O.P.(MD) No.4695 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL.OP(MD).No.4695 of 2025

T. Subramaniyan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Representation by the Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2. The Deputy Superintendent of Police,
Cheranmahadhevi,
Tirunelveli District.

3. The Inspector of Police,
Cheranmahadhevi Police Station,
Cheranmahadhevi,
Tirunelveli District.
Crime No. 39/2025.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), to direct the 3rd respondent herein to conduct further investigation and include all the offences committal for the accused as stated in the complaint dated 08.02.2025.



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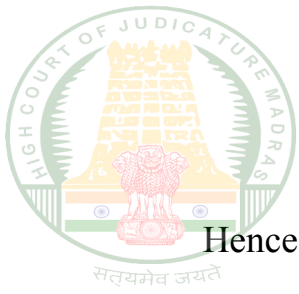
For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to direct the 3rd respondent herein to conduct further investigation and include all the offences committed by the accused, based on the petitioner's complaint dated 08.02.2025.

2. The learned counsel appearing for the petitioner would submit that he is the defacto complainant in this case and he sustained injuries due to the acts done by the accused. Based on his complaint, the 3rd respondent registered a case in Crime No. 39 of 2025 for the offences under Sections 296(b), 115(2), 351(3) of BNS, 2023 and Section 4 of the TN Prohibition of Harassment of Women Act, 2002. The petitioner gave the complaint as against three persons, but F.I.R has been registered against only one person, that too, without mentioning the correct provisions of law. Thereafter, the 3rd respondent hastily filed the final report without conducting proper investigation. Therefore, he sent a representation dated 08.02.2025, but the same has not been considered.



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Hence, he has filed this petition.

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3. The learned Government Advocate (Criminal Side) would submit that already they completed the investigation and filed the final report and the case is pending for taking cognizance by the learned Judicial Magistrate, Cheranmahadevi.

4. This Court heard both sides and perused the records.

5. The prayer of the petitioner is to consider the representation dated 08.02.2025 and direct the 3rd respondent to conduct further investigation. According to the 3rd respondent, already they have filed the final report after completion of the investigation. It is well settled law that the petitioner being the defacto complainant cannot seek as a matter of right for further investigation and it is for the 3rd respondent to decide as to whether further investigation is necessary or not. The grievance of the petitioner is that he lodged a complaint against three persons, but F.I.R has been registered against only one persons and the proper Sections of have not been included in the charge sheet. While so, it is for the Trial Court to take steps to take cognizance for the appropriate Sections based



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on the materials. As far as the inclusion of the accused are concerned, the complaint was lodged against only one person and now the petitioner wants to add two other accused. It is for the petitioner to wait till the examination of witnesses and at the time of examination of witnesses based on his evidence, the trial Court can take appropriate steps in respect of inclusion of the accused based on the available materials. Therefore, the prayer of the petitioner for further investigation cannot be considered at this stage. In view of the above said reasons, this criminal original petition is dismissed.

13.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
mac



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2. The Deputy Superintendent of Police,
Cheranmahadhevi,
Tirunelveli District.
3. The Inspector of Police,
Cheranmahadhevi Police Station,
Cheranmahadhevi,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL. J,

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