



Crl.O.P.(MD)No.9858 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.9858 of 2025

P.Priyanka

... Petitioner

versus

1. The State of Tamilnadu, Rep. by
The Inspector General of Police,
South Zone,
Office of the Inspector General of Police,
Race Course Colony,
Madurai District.
2. The Superintendent of Police,
Dindigul District,
Dindigul.
3. The Deputy Superintendent of Police,
Dindigul Sub Division,
Dindigul District.
4. The Inspector of Police,
Town West Police Station,
Dindigul District.
5. The Sub-Inspector of Police,
Town West Police Station,
Dindigul District.

... Respondents



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Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the 2nd respondent to transfer the investigation in Crime No.175 of 2025 pending on the file of the 4th respondent to any other competent police station within Dindigul District and to conduct inquiry under the supervision of the 3rd respondent on the basis of the petitioner's complaint dated 17.05.2025.

For Petitioner : Mr.M.K.Sachin Rahul

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner is the defacto complainant in Crime No.175 of 2025. She has filed this petition that the respondent Police are not conducting proper investigation on her complaint and therefore, she sought for transfer of investigation in Crime No.175 of 2025 from the file of the respondent Police to some other investigating agency.

2. The learned Additional Public Prosecutor submits that it is a case and counter case. The accused in Crime No.175 of 2025 has lodged



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a complaint as against the petitioner's husband, for which, a criminal case was registered as against the petitioner's husband for the offence under Section 307 IPC. As a counter complaint, the petitioner has also lodged a complaint and the same has been registered in Crime No.175 of 2025. According to the learned Additional Public Prosecutor, the Inspector of Police is conducting the investigation in both crime numbers and the investigation is in initial stage.

3. The learned counsel appearing for the petitioner submits that the petitioner's vehicle has been damaged worth about more than Rs.1 lakh. Instead of registering the case for the offence under Section 324(5) BNS, the respondent Police has registered the case for the offence under Section 324(4) of BNS. Apart from that, the learned counsel submits that the petitioner, a woman, has been abused with filthy language, for which, the respondent has not registered any offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act.

4. This Court considered the rival submissions made.



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5. The grievance of the petitioner is that the offence under Section 324(4) of BNS has not been registered by the respondent Police, considering the nature of damage caused to the vehicle.

6. The investigation in this case is in initial stage. The quantum of damage can be ascertained only during the course of investigation. In the event, if it is required to alter the offence under Section 324(4) BNS into Section 324 (5) BNS, the same would be carried out by the investigating agency at the time of filing the final report.

7. It is the further grievance of the petitioner that she has been abused with filthy language, for which, the respondent has not registered any offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act.

8. The available materials do not constitute any offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act. On this ground, this Court is not inclined to transfer the investigation from the file of the respondent Police to some other Police Station.



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Moreover, it is a case and counter case. If it is a case and counter case, the investigation in both the cases have to be conducted by the same investigating officer as per the Police Standing Orders (PSO.566). Therefore, this Court is not inclined to entertain this petition.

9. Accordingly, this Criminal Original Petition is dismissed. The Superintendent of Police, Dindigul District, shall ensure that fair investigation is conducted in both the cases.

12.06.2025

Index : Yes / No.
Internet : Yes / No.
NCC : Yes / No.
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To

1. The Inspector General of Police,
South Zone,
Office of the Inspector General of Police,
Race Course Colony,
Madurai District.
2. The Superintendent of Police,
Dindigul District,
Dindigul.



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3. The Deputy Superintendent of Police,
Dindigul Sub Division,
Dindigul District.
4. The Inspector of Police,
Town West Police Station,
Dindigul District.
5. The Sub-Inspector of Police,
Town West Police Station,
Dindigul District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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