



CrI.O.P.(MD)No.10321 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

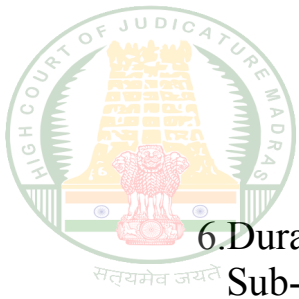
CrI.O.P.(MD)No.10321 of 2025

Jeromine Rajarathinam

... Petitioner

Vs.

- 1.The Superintendent of Police,
O/o. Superintendent of Police,
Thoothukudi District.
- 2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.
- 3.The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
- 4.The Inspector of Police,
Kalugumalai Police Station,
Kovilpatti, Thoothukudi District.
- 5.The Chari Person,
Child Welfare Committee
Department of Children Welfare and Special Services,
Thoothukudi District.



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6.Duraisamy,
Sub-Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to direct the first respondent to transfer the petitioner's complaint on the file of the fourth respondent to another Women Police Officer in Thoothukudi District under the supervision of the first respondent for a fair and proper investigation based on the representation dated 04.06.2025.

For Petitioner : Mr.S.Vanchinathan

For R1 to R4 : Mr.P.Kottaichamy,
Government Advocate(Crl.side)

ORDER

The petitioner with a grievance that her complaint has not been enquired by the respondent Police has approached this Court seeking a direction to the first respondent to transfer the investigation of her complaint, by considering her representation dated 04.06.2025. However, this petition has been filed without even mentioning date of the complaint.



WEB COPY 2.It appears that the petitioner is having certain issues with her husband and living separately and has lodged a complaint as against her husband and her brother-in-law before the All Women Police Station, Kovilpatti. She filed a writ petition in WP.(MD)No.12061 of 2025 and this Court vide order dated 28.04.2025, disposed the said petition by directing the fourth respondent therein to consider the representation of the petitioner and dispose the same, within a period of one week. Thereafter, the petitioner has filed this present petition.

3.The learned Government Advocate(Crl.side) appearing for the respondents 1 to 4 submits that the petitioner got married to one Rajesh on 19.06.2013 and they are having two children. After marriage, the petitioner has lodged a complaint that her husband demanded dowry and abused her. The complaint of this petitioner, was initially enquired by the All Women Police Station, Kovilpati. After the order of this Court in WP.(MD)No.12061 of 2025, dated 28.04.2025, the Superintendent of Police, Thoothukudi has transferred the investigation from the file of the Inspector of Police, All Women Police Station, Kovilpatti to the file of the Inspector of Police, Kalukumalai Police Station. He further submits



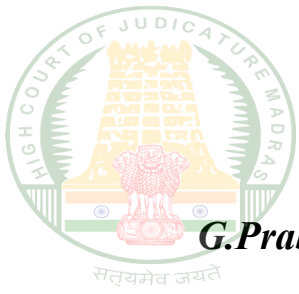
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that the petitioner did not appear for enquiry either before the All Women Police Station, Kovilpatti or before the Kalugumalai Police Station and therefore, they are not in a position to conduct investigation on her complaint. While so, she has now filed this petition.

4.This Court has considered the submissions made on either side.

5.As stated supra, the petitioner filed this petition without even mentioning the date of her complaint. It appears that the complaint of the petitioner has already been transferred from All Women Police Station, Kovilpatti to the Kalugumalai Police Station. She is now asking for transferring the investigation again from Kalugumalai Police Station.

6.In the event, if the petitioner's complaint has not been enquired by the Police, then, alternative remedies are available for her before the Superintendent of Police under Section 173(3) BNSS. If no action is taken by the Superintendent of Police, then, the petitioner may approach the jurisdictional Magistrate under Section 175(3) BNSS, seeking a direction to the Police to investigate the matter. The Division Bench of this Court in the decision reported in **2018 (5) CTC 623** in a case of



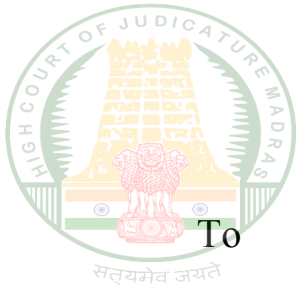
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G.Prabhakaran Vs. The Superintendent of Police, Tanjore has held
that when there are alternative remedies available, High Court shall not
entertain such nature of complaints.

7. Therefore, granting liberty to the petitioner to approach the
jurisdictional Magistrate under Section 175(3) BNSS, if so advised, this
criminal original petition is closed.

01.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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- 2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
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- 3.The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
- 4.The Inspector of Police,
Kalugumalai Police Station,
Kovilpatti, Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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