



Crl.O.P.(MD) No.22026 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.22026 of 2024

Dr.Vennila

... Petitioner

Vs.

1. The Superintendent of Police
Madurai District
2. The Deputy Superintendent of Police
Thirumangalam Sub Division
Madurai District
- 3.The Inspector of Police
All Women Police Station,
Thirumangalam Police Station
Madurai District

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to direct the first respondent to change the investigation from the hand of the third respondent to any other competent agency in respect of Crime No.2 of 2024 on the file of the third respondent.

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
for Mr.K. Prabhu

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



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ORDER

This Criminal Original Petition has been filed to transfer the investigation from the file of the third respondent to any other competent agency in respect of Crime No. 20 of 2024 on the file of the third respondent.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the defacto complainant in this case and based on the complaint given by her a case has been registered in Crime No.20 of 2024 for the offences under Sections 354, 506(i) of IPC and Sections 65 and 66 of Information Technology Act as against one Ramakrishnan. The petitioner was working as Principal in Annai Fathima College of Education, Alampatti, Thirumangalam, Madurai District. Thereafter the accused called the defacto complainant over whatsapp and thereafter continuously contacted the defacto complainant and misused the photos and also cropped the same in an obscene manner, thereby she lodged a complaint. After registration of the First Information Report the third respondent has not conducted proper investigation. The third respondent has not arrested the accused so far and failed to recover the mobile phone.



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The respondents 2 and 3 are being influenced by the accused, thereby investigation has to be transferred to some other agency.

3. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that based on the complaint given by the petitioner a case has been registered in Crime No.20 of 2024 for the offences under Sections 354, 506(i) of IPC and Sections 65 and 66 of Information Technology Act. Thereafter they conducted investigation and as per the investigation he examined some witnesses and recorded statements and the petitioner also submitted some documents at the time of investigation like whatsapp screenshots The petitioner did not hand over the mobile phone to the investigation officer when he was constantly asked and she refused to hand over the mobile phone. Only after the bail application filed by the accused before this Court the investigation officer recovered the mobile phone on 17.10.2024 along with whatsapp screenshot copy. By that time the petitioner deleted all the original messages with the abusive words of the accused. Thereafter the investigation officer surrendered the petitioner's mobile phone to the Judicial Magistrate Court, Thirumangalam and the same was sent to the Regional Forensic Laboratory, Madurai on 19.12.2024. Report from the



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Regional Forensic Laboratory, Madurai was received on 24.12.2024.

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From the report, it reveals that entire datas in the mobile phone of the petitioner was already been deleted by her and the whatsapp message between the accused and the petitioner and the cropped photos were not available. Further the Regional Forensic Laboratory, Madurai was able to recover the said data and messages from the mobile phone of the petitioner. On perusal of the whatsapp data the petitioner has been in constant touch with one Nagasubramanian who was former Registrar of Tamil Nadu Teacher Education University and worked till the registration of the present First Information Report. The accused of this case Ramakrishnan in this case gave the cellphone and the same was sent to the Regional Forensic Laboratory, Madurai and it was received on 20.01.2024 and inspected all the data on the accused Ramakrishnan cell phone was deleted for the duration on 01.07.2024 and 02.07.2024. Therefore the investigation officer has investigated the case in proper manner and there is no influence from the above said accused person and the investigation is going on under the supervision of the first respondent, hence the petition is liable to be dismissed.



4. Heard both sides and perused the materials available on record.

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5. The petitioner is the defacto complainant in this case. Based on the complaint given by him a case has been registered in Crime No.20 of 2024 for the offences under Sections 354, 506(i) of IPC and Sections 65 and 66 of Information Technology Act against one Nagasubramanian. The main ground raised by the petitioner is that the third respondent has not arrested the accused. So far as arrest of accused is concerned it is for the investigation officer to decide whether the arrest of accused is necessary or not. Further in all cases the arrest of accused is not necessary and it is for the investigation officer to decide the same. Merely non arrest of accused during investigation is not a ground to transfer the case and apart from that there are no specific allegations as against the investigation officer and only vague allegations have been levelled against the investigation officer.

6. As per the status report filed by the third respondent the investigation is going on in a fair manner and the same is also periodically monitored by the first respondent. Since the investigation in this case is going on in a fair manner and periodically monitored by the



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first respondent, therefore investigation in this case need not be transferred to some other investigation agency. If the investigation is transferred it will affect the fair investigation, since the same is in midway , hence this petition has no merits and deserves to be dismissed

6. In the result, this petition stands dismissed. If at all the petitioner has any materials in respect of this occurrence, the petitioner is at liberty to approach the third respondent by producing the same and if any such materials received by the third respondent the same also can be looked into for investigation.

17.04.2025

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

1. The Superintendent of Police
Madurai District
2. The Deputy Superintendent of Police
Thirumangalam Sub Division
Madurai District



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3.The Inspector of Police
All Women Police Station,
Thirumangalam Police Station
Madurai District

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



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P.DHANABAL, J.

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