



WEB COPY

CRL OP No. 6068 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6068 of 2026

S.Andal

..Petitioner

Vs

1. The Commissioner of Police,
Avadi Range,
Thiruvallur District.
2. The Superintendent of Police
Avadi Range,
Thiruvallur District.
3. The State Rep. by
The Inspector of Police
T-124, Mangadu Police Station,
Avadi Range,
Thiruvallur District.
(Crime No. 362/2025)

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the first respondent to transfer the investigation in FIR No.362/2025 on the file of the T-14 Mangadu Police Station to the CBCID, Tamilnadu.

For Petitioner : Ms.J.Hemalatha

For Respondents : Ms. Leonard Arul Joseph Selvam,
Additional Public Prosecutor



ORDER

The present Criminal Original Petition is filed seeking a direction to the first respondent to transfer the investigation in FIR No.362 of 2025 from the file of T-14 Mangadu Police Station to the CBCID, Tamilnadu.

2. The petitioner is the *de facto* complainant who had filed a complaint to the third respondent. Based on which, a case in Crime No.362 of 2025 was registered for the offences under Sections 465, 467, 468, 471 and 420 of IPC as against three persons viz., Gunasekaran, Jayanthi and Sampath, on 04.05.2025. Thereafter, there is no proper investigation. Further, the petitioner had an apprehension that the respondent police has become collusive with the accused and hence, she filed this petition seeking a direction to transfer the investigation from the third respondent police to any specialised agency.

3. *Per contra*, the learned Additional Public Prosecutor appearing for the respondent police submitted that in this case, after registration of First Information Report on 04.05.2025, a charge sheet has been filed on 19.11.2025 in C.C.No.1130 of 2025 before the learned Judicial Magistrate, Sriperumpudur, for the offences under Sections 465, 467, 468, 471 and 420 of IPC as against two persons viz., Gunasekaran and Sampath and the name of Jayanthi has been left out.



4. In reply, the learned counsel for the petitioner submitted that in this case all the three accused had collected money from nine persons running to several lakhs on false promise and misappropriated and further cheated the *de facto* complainant and other victims by creating forged documents. The said Jayanthi had played an active role, however, without assigning any reason, she had been left out in the charge sheet. It is further submitted that the respondent police have also not followed the dictum laid down by the Hon'ble Apex Court in ***Bhagwat Singh vs Commissioner of Police and another*** reported in ***AIR 1985 Supreme Court 1285*** wherein it was held that if there is any deletion of the name of the accused or deletion of any charge/offence while filing the final report, notice ought to be given to the *de facto* complainant. In this case, no notice was given to this petitioner about the deletion of the name of the accused.

5. At this, the learned Additional Public Prosecutor appearing for the respondent police fairly submits that no notice was given to the *de facto* complainant after deletion of the name of Jayanthi. He further submitted that the case has been now posted before the Judicial Magistrate, Sriperumpudur for questioning on 25.03.2026. It is for the petitioner to approach the trial Court by filing appropriate petition which can be taken as protest petition. Thereafter, the trial Court can pass orders.



6. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents and also perused the materials available on record.

7. Considering the above submissions made on either side, this Court is of the view that the petitioner/de facto complainant is directed to file appropriate petition along with a copy of this order by way of protest petition questioning the reason for deleting the name of Jayanthi and it is for the trial Court to consider the same and pass appropriate orders thereon.

8. With the above direction, this Criminal Original Petition stands disposed of.

09-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SRM



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To

1. The Judicial Magistrate,
Sriperumpudur.
2. The Commissioner of Police,
Avadi Range,
Thiruvallur District.
3. The Superintendent of Police,
Avadi Range,
Thiruvallur District.
4. The State Rep. by The Inspector of Police
T-124, Mangadu Police Station,
Avadi Range,
Thiruvallur District.
5. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

SRM

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