



W.P.Crl.No.1467 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2026

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CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

WP.Crl.No.1467 of 2025 and
WPMP.Crl.Nos.720 & 721 of 2025

1.SHERLY JOY JUSTINA

2.A. Ezhil Maran

... Petitioners

Vs.

1.The Inspector of Police,
Chitvel Police Station,
Brahmana Street,
Chitvel,
Andhra Pradesh-516 104

2.The Inspector of police,
Thirumangalam Police Station,
3,4 Shcool Road,
Sector D,
Anna Nagar West Extension,
Chennai-600 101.

3.Kotapati Lakshmi Narayana

... Respondents

Prayer:

Writ Petition(Crl.) filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari to call for the records of the FIR in Crime No.146/2025 dated 14.08.2025 on the file of the 1st respondent and quash the same or Writ of Mandamus directing the first respondent to transfer the FIR in No.146/2025 dated 14.08.2025 on the file of the first respondent of the file of the second respondent.



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W.P.Crl.No.1467 of 2025

For Petitioners : Mr.N.Murali Kumaran,
Senior Counsel
for M/s.MCGAN Law Firm

For Respondents

For R1 : Mr.P.Rajendrakumar

For R3 : No appearance

For R2 : Mr.R.Ganesh Kumar,
Counsel for Government
of Tamil Nadu (Criminal Side)

ORDER

This writ petition has been filed praying to quash the FIR registered in Crime No.146 of 2025 on the file of the first respondent and with alternative prayer to transfer the investigation in crime No.146 of 2025 from the file of the first respondent to the file of the second respondent.

2. Insofar as the quashment is concerned, the petitioner sought for quashment of FIR registered on the file of the first respondent in Crime No.146 of 2025 for the offence punishable under Sections 318(4), 351(2), r/w 3(5) BNS, which is not maintainable since this Court has no jurisdiction to entertain the quash petition in respect of the case registered on the file of the first respondent. However, insofar as the alternate prayer

Page 2 of 12



W.P.Crl.No.1467 of 2025

is concerned, seeking transfer of investigation in Crime No.146 of 2025

from the file of the first respondent to the file of the second respondent,

the same can be considered in view of the order passed by the Hon'ble

Supreme Court of India in the case of **Navinchandra N.Majithia Vs.**

State of Maharashtra and Others reported in **2001 SCC (Cri) 215**,

wherein it is held as follows:

27. Tested in the light of the principles laid down in the cases noted above the judgment of the High Court under challenge is unsustainable. The High Court failed to consider all the relevant facts necessary to arrive at a proper decision on the question of maintainability of the writ petition, on the ground of lack of territorial jurisdiction. The Court based its decision on the sole consideration that the complainant had filed the complaint at Shillong in the State of Meghalaya and the petitioner had prayed for quashing the said complaint. The High Court did not also consider the alternative prayer made in the writ petition that a writ of mandamus be issued to the State of Meghalaya to transfer the investigation to Mumbai Police. The High Court also did not take note of the averments in the writ petition that filing of the complaint at Shillong was a mala fide move on the part of the complainant to harass and pressurise the petitioners to reverse the transaction for transfer of shares. The relief sought in the writ petition may be one of the relevant criteria for consideration of the question but cannot be the



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W.P.Crl.No.1467 of 2025

sole consideration in the matter. On the averments made in the writ petition gist of which has been noted earlier it cannot be said that no part of the cause of action for filing the writ petition arose within the territorial jurisdiction of the Bombay High Court.

43. We make it clear that the mere fact that FIR was registered in a particular State is not the sole criterion to decide that no cause of action has arisen even partly within the territorial limits of jurisdiction of another State. Nor are we to be understood that any person can create a fake cause of action or even concoct one by simply jutting into the territorial limits of another State or by making a sojourn or even a permanent residence therein. The place of residence of the person moving a High Court is not the criterion to determine the contours of the cause of action in that particular writ petition. The High Court before which the writ petition is filed must ascertain whether any part of the cause of action has arisen within the territorial limits of its jurisdiction. It depends upon the facts in each case.

44. In the present case, a large number of events have taken place at Bombay in respect of the allegations contained in the FIR registered at Shillong. If the averments in the writ petition are correct then the major portion of the facts which led to the registering of the FIR have taken place at Bombay. It is unnecessary to repeat those events



W.P.Crl.No.1467 of 2025

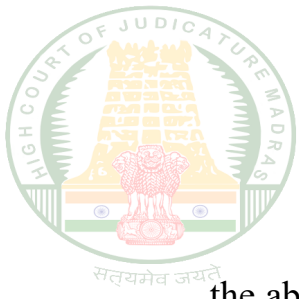
over again as Mohapatra, J. has adverted to them with precision and the needed details.

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45. In the aforesaid situation it is almost impossible to hold that not even a part of the cause of action has arisen at Bombay so as to deprive the High Court of Bombay of total jurisdiction to entertain the writ petition filed by the petitioner. Even the very fact that a major portion of the investigation of the case under the FIR has to be conducted at Bombay itself, shows that the cause of action cannot escape from the territorial limits of the Bombay High Court.

3. In the above case, the Hon'ble Supreme Court of India held that the prayer for transfer of investigation can be considered in the cases where part of the cause of action arose within jurisdiction of different states. In the case on hand also, the part of the cause of action arose within the jurisdiction of the second respondent for the complaint lodged by the third respondent.

4. Though notice was served on the third respondent, no one on behalf of the third respondent appeared before this Court today, either in person or through pleader.



W.P.Crl.No.1467 of 2025

5. In order to consider the alternate prayer in this writ petition,

the above judgment is squarely applicable to the case on hand. In fact, on the complaint lodged by the first petitioner, the second respondent also registered FIR in Crime No.593 of 2025 for the offences punishable under Sections 296(b), 131 & 351(2) of BNS, 2023. The first petitioner is running a proprietary concern in the name and style of 'Reach Groups' a registered Micro, Small, Medium Enterprises. While being so, one Nandhu Varaprasad approach the concern seeking its assistance for facilitating enrollment process in the MBBS program offered by the International European University located at Kyrgyzstan after coming across an advertisement on the Facebook. At the very same day, he made an application in person at the office located at Anna Nagar. The first petitioner forwarded the said application to the University. In turn, the University offered a selection letter dated 21.08.2024 through WhatsApp to the second petitioner. As per the rules of the International European University, only after issuance of selection letter, the student can make an application for enrollment in the concerned course. Accordingly, the applicant signed an affidavit dated 03.09.2024 in Chennai which contained all the details regarding admission to the University including fee structure. Once again on 02.10.2024, the first petitioner issued fee structure and consent letter in person at their office. The applicant and his

Page 6 of 12



W.P.Crl.No.1467 of 2025

father also signed the consent letter in Chennai at their office.

Accordingly, the first semester package fees is fixed for a sum of Rs.3,31,500/- and the processing fee including flight charges is Rs.1,85,000/-, out of which the applicant paid a sum of Rs.2,67,468/- and the balance of Rs.66,000/- was paid by the first petitioner. Thereafter, he joined in the said university and continued the course for two months. Thereafter, the applicant did not want to proceed with the course and returned to India to write NEET exam. Therefore, on his own will, he quit the programme and returned to India. Whatever the fees paid by the applicant is not refundable and the applicant had absolute knowledge while executing necessary documents and affidavit. Thereafter, the applicant formed WhatsApp group and sent derogatory messages to the first petitioner as if the first petitioner looted money from his parents. Further, he also sent messages stating that the first petitioner had stolen his Passbook. While being so, the applicant deployed goondas, who came in person and threatened the first petitioner and also damaged the lock and name board of their consultancy office at Chennai.

6. Further, on 09.07.2025, the applicant trespassed the first petitioner's office premises with an intent to threaten and extort money and it was recorded in the CCTV footage. That apart, on 10.07.2025, the

Page 7 of 12



W.P.Crl.No.1467 of 2025

father of the applicant also called the first petitioner over phone and threatened that he would lodge complaint against the first petitioner for cheating them of their money. Therefore, the first petitioner lodged complaint before the second respondent and he was issued CSR.No.571 of 2025. In turn, the third respondent lodged complaint against the petitioners before the first respondent and the same was registered in Crime No.146 of 2025. On registration of FIR, the first respondent and others came to the office of the first petitioner and she was illegally detained in the car. After the intervention of the local police i.e. the second respondent, she was relieved. Thereafter, the second respondent after due enquiry on her complaint registered FIR in Crime No.593 of 2025 against the applicant and two others. Therefore, the entire cause of action arose within the jurisdiction of the second respondent. Even according to the third respondent, most of the part of the cause of action arose within the jurisdiction of the second respondent and even then, the third respondent lodged complaint before the first respondent and the same was registered in Crime No.146 of 2025.

7. On perusal of the counter filed by the first respondent and on the submissions of the learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the second respondent, it is revealed that on



W.P.Crl.No.1467 of 2025

the complaint lodged by the third respondent, the first respondent registered FIR in Crime No.146 of 2025 for the offences punishable under Sections 318(4), 351(2), r/w 3(5) BNS alleging that it was induced that upon payment of the first year fee of Rs.4,52,000/-, the remaining course fee would be arranged through government educational loan facilities and as such Rs.4,52,000/- was paid. However, the said institution lacked necessary approvals and recognition, thereby jeopardizing the educational future of the son of the third respondent. Thereafter, the third respondent demanded refund of the money which was already paid, for which the first petitioner refused and intimidated the third respondent and his family members. Therefore, on the complaint, the first respondent issued notice for enquiry. Since the petitioners did not turn up, the first respondent registered FIR in Crime No.146 of 2025 and the investigation is pending. As stated supra, most of the cause of action arose at Chennai and in fact, on the complaint lodged by the first petitioner, the second respondent also registered FIR in Crime No.593 of 2025 for the offences punishable under Sections 296(b), 131 & 351(2) of BNS, 2023 and it is pending for investigation. But the third respondent lodged complaint before the first respondent alleging that they are residing within the jurisdiction of the first respondent and they had paid the fees through account transfer from the bank which is situated

Page 9 of 12



W.P.Crl.No.1467 of 2025

within the jurisdiction of the first respondent. Admittedly, the amount was paid through bank transaction and so many occasions, the third respondent and his son who is an applicant visited the office of the first petitioner and executed documents along with the affidavit in the office of the first petitioner coming under the jurisdiction of the second respondent.

8. Therefore, except the money which was transferred from the place within the jurisdiction of the first respondent, nothing happened within the jurisdiction of the first respondent. Therefore, though this Court is not inclined to quash the FIR registered in Crime No.146 of 2025, this Court is inclined to withdraw the FIR registered in Crime No.146 of 2025 from the file of the first respondent and transfer the same to the file of the second respondent.

9. In view of the above, FIR in Crime No.146 of 2025 is hereby withdrawn from the file of the first respondent and transferred to the file of the second respondent for investigation. The second respondent is directed to re-register FIR on the complaint lodged by the third respondent and conduct investigation on the complaint lodged by the third respondent as well as the complaint lodged by the first petitioner

Page 10 of 12



W.P.Crl.No.1467 of 2025

registered in Crime No.593 of 2025 within a period of twelve weeks from the date of receipt of entire case diary from the file of the first respondent.

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The first respondent is directed to transfer the entire case diary in Crime No.146 of 2025 within a period of two weeks from the date of receipt of this order.

10. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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15.06.2026
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W.P.Crl.No.1467 of 2025

G.K.ILANTHIRAIYAN, J.

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To

1.The Inspector of Police,
Chitvel Police Station,
Brahmana Street,
Chitvel, A
Andhra Pradesh-516 104

2.The Inspector of police,
Thirumangalam Police Station,
3,4 Shcool Road,
Sector D,
Anna Nagar West Extension,
Chennai-600 101.

3.The Public Prosecutor,
High Court of Madras

WP.Crl.No.1467 of 2025

15.06.2026

(2/2)