



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

Crl. OP(MD).No.4584 of 2026

Rasal Raj
Managing Director
Anbu Illam, Anbu Nagar
Paramathalingapuram
Vettoornimadam
Kanyakumari District

....Petitioner/Defacto Complainant

Vs

1.The State Represented by
The Superintendent of Police
Kanyakumari District

2.The Deputy Superintendent of Police
Nagercoil Sub Division
Kanyakumari District

3.The Inspector of Police
Vadasery Police Station
Kanyakumari District
Crime No.58 of 2023

4.The Inspector of Polcie
CBCID Wing
Kanyakumari District

.....Respondents/Respondents

Prayer: This petition is filed under Section 528 of BNSS, 2023, to transfer the investigation in Crime No.148 of 2010 from the file of the third



respondent to the file of the fourth respondent and consequently direct the fourth respondent to conduct proper investigation in an expeditious manner and to file the final report within the stipulated period as prescribed by this Court.

For Petitioner : Mr.RL.Dilipan Pandian
for Mr.S.Jebastin

For Respondents : Mr.B.Arun
Government Advocate (Crl.side)

ORDER

The present petition has been filed by the defacto complainant in Crime No.148 of 2010 on the file of the third respondent police seeking to transfer the investigation to any other agency on the ground that so far they have not filed a charge sheet.

2.The learned Government Advocate (Crl.side) appearing for the third respondent police submitted that a final report was filed as 'mistake of fact' before the concerned Court on 27.07.2024 and it was taken on file on 04.12.2024 and notice was issued to the defacto complainant on 30.07.2025. Since the defacto complainant has so far not appeared, no order has been passed.

3.The learned counsel appearing for the defacto complainant submitted that he has filed an application seeking permission of the Court for further



investigation and the said application was allowed by the concerned Court on 29.04.2025.

4. According to the learned counsel for the petitioner, Section 161 Cr.P.C statement recorded during the investigation are neither available with the police station nor with the Court and therefore, they are not in a position to file a protest petition.

5. This Court had called for a report from the Judicial Magistrate No.II, Nagercoil with regard to the same. The report of the concerned Judicial Magistrate reveals that 161 Cr.P.C statements were not sent by the investigating officer to the Court along with RCS report. In such view of the matter, it is clear that the police authority, having misplaced all the records are now attempting to recreate all the records by way of further investigation. In such circumstances, this Court does not want to transfer the investigation. In case, if any final report is filed before the concerned Court, the petitioner is always at liberty to approach the appropriate Court or this Court for remedy.

6. In view of the above said deliberations, there shall be a direction to the third respondent police to file a final report within a period of two months from the date of receipt of a copy of this order along with all the enclosures.

7. With the above said observations, this Criminal Original Petition stands disposed of.

17.08.2026.



WEB COPY

Internet : Yes/No

Index : Yes/No

NCC : Yes/No

msa

To

1. The Judicial Magistrate No. II
Nagercoil

2. The Superintendent of Police
Kanyakumari District

3. The Deputy Superintendent of Police
Nagercoil Sub Division
Kanyakumari District

4. The Inspector of Police
Vadasery Police Station
Kanyakumari District
Crime No. 58 of 2023

5. The Inspector of Police
CBCID Wing
Kanyakumari District

6. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



WEB COPY



R.VIJAYAKUMAR, J.

msa

Crl. OP(MD).No.4584 of 2026

17.08.2026