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Crl.O.P.No.25284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.25284 of 2024

and

Crl.M.P.No.14116 of 2024

Vijayakumar

... Petitioner

Vs.

1. The Director General of Police,
Chennai-4.

2. The Inspector of Police,
Manimangalam Police Station,
Tambaram City.

3. The Inspector of Police,
Tambaram GRP Police Station,
Tambaram.

4. The Inspector of Police,
CBCID, Chengalpattu

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhitha, 2023, seeking to transfer the investigation in Crime No.412 of 2022 from the file of the second respondent to any other police such as fourth respondent police.



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For Petitioner : Mr.T.A.Ebeneser

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.412 of 2022 from the file of the second respondent to any other police.

2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3. Learned Government Advocate (Criminal Side) appearing for the respondents submitted that initially complaint made by the petitioner before the second respondent police is for “man missing” in Crime No.412 of 2022. During investigation, the respondent police came to know that the petitioner's son died in a train accident. They have also



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shown the photographs of the petitioner's son to the petitioner. The petitioner had also, after seeing the photo, identified that the person in the photograph is his son. Consequently, the railway police had conducted investigation and filed a report before the concerned Judicial Magistrate. Since the second respondent conducted investigation in a fair manner, there is no need to transfer the investigation to any other police.

4. Admittedly, son of the petitioner alleged to have died in the train accident. At the place of occurrence, photograph was taken by the railway police in cellphone and the same was also forwarded to the petitioner. The petitioner, after seeing the photo, identified and accepted that the person who is in the photograph is his son.

5. Considering the abovesaid facts and also considering the submissions of both sides, there is no need for transfer of investigation. If it is transferred, the same will not serve the purpose. However, the respondent police is directed to conduct investigation in Crime No.412 of 2022 on the file of the second respondent and file a report.



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6. Though it is stated that the first complaint has been registered under man missing, and later the complaint was closed, there is no record available to show that the same was submitted before the concerned Magistrate. Hence, the second respondent police is directed to conduct investigation and file a report before the concerned jurisdictional Magistrate in accordance with law. The concerned Magistrate is also directed to follow the procedure as per law.

7. With the abovesaid direction, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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