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CrI.O.P.No.21012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.21012 of 2024

Makkayee

... Petitioner

Vs.

1. The Superintendent of Police,
Perambalur District.
2. The Sub Inspector of Police,
V.Kalathur Police Station,
Perambalur District,
Crime No.18 of 2023.
3. The Inspector of Police,
(Incharge of the 2nd Respondent),
Mangalamedu Police Station,
Perambalur District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to transfer the investigation pertaining to the case in Crime No.18 of 2023 from the file of the respondent Police, to some other investigation agency namely CBCID or any other investigation officer and expedite the investigation.



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For Petitioner : Mr.G.Ilamurugu
For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to transfer the investigation in Crime No.18 of 2023 from the file of the respondents-Police, to some other investigation agency namely CBCID or any other investigation officer and expedite the investigation.

2. When the matter was taken up for hearing on 04.11.2024, this Court directed the respondents-Police to secure the accused and to file a status report before this Court on 04.12.2024.

3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents-Police filed a status report and submitted that investigation in Crime No.18 of 2023 is under progress and the Investigating Officer had taken all efforts to arrest the accused and to complete the investigation.



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4. Learned counsel for the petitioner submitted that the respondents-Police are not showing any interest to complete the investigation, even though the allegations made in the complaint falls under Sections 302 and 380 IPC, which was registered on 31.01.2023.

5. However, for the reason best known, for the past two years, the respondents-Police have not shown any interest to complete the investigation and lay a charge-sheet, hence, the petitioner has lost his faith in the present Investigating Agency/Investigating Officer and has filed the present petition. Though the respondents-Police have stated that they have expedited the investigation and the same is under progress, materially there was no progress in the investigation. Hence this Court finds that the present Investigating Officer cannot be a fit person to investigate the matter. Therefore, the matter has to be transferred to some other Investigating Officer who is competent to discharge the duty in accordance with law. Hence this Criminal Original Petition is allowed. The 1st respondent/the Superintendent of Police, Perambalur District shall entrust the investigation to some other competent Investigating Officer, who can investigate the case fairly and properly and file a final report within a period of three months from the date of receipt of a copy of this



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order.

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Post the matter "For Filing Report" on 24.03.2025.

10.12.2024

Note : Issue Order Copy on 18.12.2024

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The Superintendent of Police,
Perambalur District.
2. The Sub Inspector of Police,
V.Kalathur Police Station,
Perambalur District,
Crime No.18 of 2023.
3. The Inspector of Police,
(Incharge of the 2nd Respondent),
Mangalamedu Police Station,
Perambalur District.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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