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CrI.O.P.No.25527 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.25527 of 2024

P.Devi

... Petitioner

Vs.

1.The Additional Director General of Police,
Crime Branch CID,
No.220, Old Commissioner of Police Complex,
Pantheon Road, Egmore,
Chennai-600 008.

2.The District Superintendent of Police,
District Police Office,
Vengikkal, Thiruvannamalai,
Thiruvannamalai District-606 604.

3.The Inspector of Police
Vettavalam Police Station
Sivan Koil St, Vettavalam.
Thiruvannamalai District-606 754

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleased to pass an order transferring the investigation of the Crime registered in Crime No.191 of 2024 under Sections 118(1) and 109(1) of BNSS on 31.07.2024 at the 3rd respondent Vettavalam Police Station, Thiruvannamalai District to any officer in the rank of the Deputy Superintendent of Police in Crime Branch CID under the 1st respondent to investigate the crime and file the final report.



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For Petitioner : Mr.M.Ramamoorthi

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER

Prabakaran aged 28 years, who was found with serious injuries on Tiruvannamalai-Vettavalam Road, was taken to the Government hospital in 108 ambulance and later shifted to CMC hospital, Vellore.

2. On the complaint given by his wife, FIR was registered under Sections 118(1) and 109(1) of BNSS in Crime No.191 of 2024 and the case is under investigation. This petition for transfer the investigation is filed alleging that the police is not properly investigating the case and the CCTV footage from the camera kept nearby petrol bunk not recovered by the police. Further, grievance of the petitioner is the mobile phone and the ATM card of the injured missing were not traced by the Investigating Officer, which will lead to fixing the perpetrator of the crime. Hence, the petitioner wants to transfer the investigation to some other Investigating Officer at the rank of Deputy Superintendent of Police in Crime Branch CBCID.

3. The learned Government Advocate (CrI.Side) appearing for the



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respondent police states that the 3rd respondent police has investigated the complaint and the material collected indicates that the husband of the petitioner who had fallen from the two wheeler in a drunken state and sustained injury. He was not wearing helmet, hence sustained injury in the occipital region. Presently he is taking treatment in a private hospital. The evidence so far collected lead to the inference that the injuries sustained were only due to the accident and not due to attack by three persons mentioned in the FIR.

4. The FIR mentions three persons as suspects and also the previous enmity between them. The CD file indicates that the incident has occurred while the vehicle driven by one Dineshkumar and the vehicle of Prabakaran (injured) hit each other. Therefore, to eliminate the suspicion of improper investigation, it is appropriate to direct the Superintendent of Police (2nd respondent herein) to transfer the investigation to some other police officer not below the rank of Deputy Superintendent of Police and proceed.

Dr.G.JAYACHANDRAN,J.

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5. Accordingly, this Criminal Original Petition is disposed of, directing the Deputy Superintendent of Police, Tiruvannamalai to withdraw the investigation from the present Investigating Officer and entrust the investigation to any other officer not below the rank of Deputy Superintendent of Police and instruct him to complete the investigation expeditiously.

18.10.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

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2.The District Superintendent of Police,
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3.The Inspector of Police,Vettavalam Police Station
Sivan Koil St, Vettavalam, Thiruvannamalai District-606 754

4.The Public Prosecutor, High Court of Madras, Chennai.

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