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Crl.O.P.No.24860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

Crl.O.P.No.24860 of 2024

1. Gurusamy
2. G. Alagulakshmi
3. Vetrivel

.. Petitioners

Versus

- 1.The Commissioner of Police,
Elcot Sez, Karappakam, Elcot Sez,
Sholinganallur, Chennai, Tamil Nadu – 600 119.
- 2.The Inspector of Police,
S-7, Madipakkam Police Station, Chennai.
- 3.The Inspector of Police,
Crime Branch, CID,
24, Pantheon Rd, Komaleshwaranpet,
Egmore, Chennai, Tamil Nadu – 600 008.

4. R. Sudhakar

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S) to transfer the case in Crime No.382 of 2024 pending on the file of the Inspector of Police, S-7, Madipakkam Police Station, Chennai, the second respondent to the third respondent police.



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For Petitioners : Mr. S. Thiruvengadam
For Respondents : Mr. S. Vinoth Kumar, (for R1 to R3)
Government Advocate (Crl. Side)
: Not ready in notice (for R4)

ORDER

The petitioner has filed this petition seeking direction to transfer the case in Crime No.382 of 2024 pending on the file of the Inspector of Police, S-7, Madipakkam Police Station, Chennai, the second respondent herein to the third respondent/Police.

2. According to the petitioners, the fourth respondent is the de-facto complainant, who has foisted a false case against the petitioners with an ulterior motive to grab their properties and lodged complaint before the second respondent/Police. Therefore, the petitioners have approached the Commissioner of Police and lodged a complaint to take action against the high handed behaviour of the respondent-police to make conspiracy with the fourth respondent. The petitioners had also forwarded their request to the Deputy Commissioner Office, Adayar, but, no action was taken till date. Though the issue is purely civil in nature, the second



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respondent/Police registered a case against the petitioners for the offences under Sections 406, 420, 468 and 471 of I.P.C, in Crime No.142 of 2024. Thereafter, the petitioners obtained anticipatory bail before the Sessions Court, Chennai in Crl.M.P.No.19660 of 2024. Again, the petitioners faced another false complaint registered against them in Crime No.382 of 2024 for the offence under Sections 296(b), 351(3) of B.N.S.S, 2023 along with Section 3(1)(r) of the SC/ST (Prevention of Atrocities) Act, 1989. Hence, the petitioners have filed the present Criminal Original Petition for the above said prayer.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3 and also perused the materials available on record.

4. After hearing both sides and on a perusal of the records, it is clear that this Court is not satisfied with the petitioners' prayer seeking a direction to transfer the investigation from the file of the second respondent to the file of the third respondent. This Court is not convinced with the reasons stated in the affidavit of the petitioners. Accordingly, this



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Criminal Original Petition is liable to be dismissed. However, this Court directs the second respondent to expedite the investigation. The first respondent is also directed to monitor the investigation.

5. With the above directions, this Criminal Original Petition is dismissed.

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Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

klt

To:

- 1.The Commissioner of Police,
Elcot Sez, Karappakam, Elcot Sez,
Sholinganallur, Chennai, Tamil Nadu – 600 119.
- 2.The Inspector of Police,
S-7, Madipakkam Police Station, Chennai.
- 3.The Inspector of Police,
Crime Branch, CID,
24, Pantheon Rd, Komaleshwaranpet,
Egmore, Chennai, Tamil Nadu – 600 008.
- 4.The Public Prosecutor,
High Court, Madras.



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P. VELMURUGAN, J.

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