



Crl.O.P.No.31536 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.31536 of 2024

Pazhanisamy

... Petitioner

Vs.

The Sub Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.
Crime No.162/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to issue a direction to transfer the investigation in Crime No.162 of 2022, pending on the file of the Sub Inspector of Police, Sirupakkam Police Station, Cuddalore District to any other Police officer to conduct further investigation into the matter in accordance with law.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to issue a direction to transfer the investigation in Crime No.162 of 2022, pending on the file of the Sub Inspector of Police, Sirupakkam Police Station, Cuddalore District to any other Police officer to conduct further investigation into the matter in accordance with law.

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

3. It is submitted by the learned Additional Public Prosecutor appearing for the respondent that due to non-cooperation of the petitioner/*de facto* complainant, the respondent is unable to complete the investigation. The said submission of the learned Additional Public Prosecutor cannot be accepted. If the petitioner/ *defacto* complainant is not cooperating for enquiry, the respondent police has to verify the



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veracity of the compliant and proceed further in accordance with law.

Further, the grounds raised by the petitioner seeking transfer of investigation are not acceptable and hence this Court is not convinced with the same.

4. In view of the above, the Station House Officer of the respondent police station is directed to complete the investigation and file a charge sheet before the jurisdictional magistrate within a period of two months from the date of receipt of a copy of this order.

5. Accordingly, the Criminal Original Petition is disposed of.

17.12.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Sub Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.
2. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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