



*Crl.O.P.(MD)No.18983 of 2024*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

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B.Rajagopal

: Petitioner

Vs.

1.State rep., by  
The Superintendent of Police,  
SH 44, District Collectorate,  
Sulakkarai, Virudhunagar 626 002.

2.The Deputy Superintendent of Police,  
Police Sub Division Camp Office,  
Tenkasi-Madurai Road,  
Srivilliputhur, Virudhunagar District.

3.The Inspector of Police,  
Srivilliputtur Town Police Station,  
Srivilliputtur, Virudhunagar District.

: Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of DNSS, to transfer the investigation in Crime No.318 of 2023 from the file of the third respondent to second respondent and to conduct fair investigation.

For Petitioner : Mr.M.Vijayarathinam

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor



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## **ORDER**

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This criminal original petition has been filed to transfer the investigation in Crime No.318 of 2023 from the file of the third respondent to second respondent and to conduct fair investigation.

2. The facts of the case is that the petitioner, aged about 69 years, is running a jewellery shop, namely, SR Naidu Jewelers. On 14.07.2023, one Jeyaprakash, Balaji and two others had trespassed into petitioner's shop, assaulted the petitioner and also snatched away the petitioner's mobile phone. In this regard, the petitioner lodged a complaint on 16.07.2023 and FIR in Crime No.318 of 2023 has been registered by the third respondent police station. Thereafter, the petitioner's daughter had lodged a complaint against the same accused alleging that she was assaulted by them and the same was registered in Crime No.263 of 2024 by the Srivilliputtur Town Police Station/third respondent, thereafter, no steps have been taken. Hence, the petitioner's daughter filed Crl.O.P(MD).No.10721 of 2024 before this Court seeking transfer of investigation in Crime No.263 of 2024 from the file of the Inspector of Police, Srivilliputtur Town Police Station to some other investigation



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agency. This Court vide order dated 18.07.2024 allowed the same. Now, the petitioner wants to transfer the investigation in Crime No.318 of 2023 to the officer, who is entrusted with the Crime No.263 of 2024.

3. The learned Additional Public Prosecutor would submit that it is the property dispute between the petitioner and Jeyaprakash, Balaji and others, who are none other than the nephew of the petitioner. There are no one hurt and no one disturbed the public. Further, the main complaint was that one Sankar Kannan, who was the Inspector of Police in the third respondent police station, has not acted independently. Now, the said Sankar Kannan has been transferred from the Srivilliputtur District and posted some where in Madurai District. Presently, Muthukumar is the Inspector of Police, Srivilliputtur Town Police Station.

4. The learned Additional Public Prosecutor further would submit that due to change of investigating officer, the transfer of investigation sought by the petitioner, is not necessary. However, the third respondent has no objection to transfer the investigation in Crime No.318 of 2023.



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5. Considering the above submission, this Court is of the view that since the issue in Crime No.318 of 2023 and in Crime No.263 of 2024 are similar, it would be appropriate to transfer the case in Crime No.318 of 2023 along with Crime No.263 of 2024. Accordingly, this Criminal Original Petition is allowed and Crime No.318 of 2023 is hereby transferred to the officer, who is entrusted the investigation in Crime No. 263 of 2024.

**04.11.2024**

NCC : Yes/No  
Index : Yes / No  
*Rmk*

To

- 1.The Superintendent of Police,  
SH 44, District Collectorate,  
Sulakkarai, Virudhunagar 626 002.
- 2.The Deputy Superintendent of Police,  
Police Sub Division Camp Office,  
Tenkasi-Madurai Road,  
Srivilliputhur, Virudhunagar District.
- 3.The Inspector of Police,  
Srivilliputtur Town Police Station,  
Srivilliputtur, Virudhunagar District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.NIRMAL KUMAR,J.**

*Rmk*

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