



*Crl.O.P.(MD)No.14189 of 2024*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2024

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**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.14189 of 2024

M/s.RBJ Bluestar Enterprises,  
rep.by its Authorized Signatory,  
M.Raveendran

: Petitioner

Vs.

- 1.State rep.by the Deputy Superintendent of Police,  
Investigating Officer,  
District Crime Branch,  
Tuticorin District.
- 2.The Superintendent of Police,  
Tuticorin District.
- 3.The Superintendent of Police,  
Criminal Investigation Department (CBCID),  
No.220 Pantheon Road,  
Old Commissioner office,  
Egmore, Chennai 600 006.
- 4.The Deputy Superintendent of Police,  
Criminal Investigation Department (CBCID),  
Tirunelveli Range,  
No.17, NH Driver's Colony Main Road,  
Perumalpuram, Tirunelveli 627 007.



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5. The Inspector of Police,  
Criminal Investigation Department (CBCID),  
Collectorate Complex,  
Near SP Office, Korampallam  
Tuticorin.

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to transfer the investigation ordered by the learned Judicial Magistrate No.IV, Thoothukudi in Crl.M.P.No.14823 of 2024, dated 01.08.2024 from the file of the first respondent/Deputy Superintendent of Police, District Crime Branch, Tuticorin District to any other independent investigating agency or officer like CBCID of any District and issue further direction to file the final report within a reasonable time.

For Petitioner : Mr.N.Dilipkumar  
For Respondents : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders, to transfer the investigation ordered by the learned Judicial Magistrate No.IV, Thoothukudi in Crl.M.P.No.14823 of 2024, dated 01.08.2024 from the file of the first respondent/Deputy Superintendent of Police, District Crime Branch, Tuticorin District to any



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other independent investigating agency or officer like CBCID of any District and issue further direction to file the final report within a reasonable time.

2. It is not in dispute that the petitioner has filed an application before the Chief Judicial Magistrate, Tuticorin, seeking further investigation and the learned Judicial Magistrate has passed an order, dated 01.08.2024, directing the concerned Police to proceed with further investigation and file report on 23.08.2024.

3.The learned counsel for the petitioner would submit that despite production of several records and materials, the then Investigating Officer, without considering the same, has filed the final report as 'mistake of fact' and that is why the petitioner was constrained to file the present application, seeking transfer of investigation.

4. The learned Additional Public Prosecutor would submit that the then Deputy Superintendent of Police has already been transferred and one Mr.S.Raju, is now working as Deputy Superintendent of Police, DCB Tuticorin.



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5. Admittedly, the petitioner has not raised any specific allegations against the present investigating officer.

6. Considering the above, Mr.S.Raju, Deputy Superintendent of Police, DCB Tuticorin, is directed to proceed with the investigation and the second respondent/Superintendent of Police, Tuticorin District, is directed to monitor the investigation and to file report before the jurisdictional Magistrate within two months from the date of receipt of copy of this order.

7. With the above direction, this Criminal Original Petition stands disposed of.

**29.08.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
das



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To

- 1.The Deputy Superintendent of Police,  
Investigating Officer, District Crime Branch,  
Tuticorin District.
- 2.The Superintendent of Police,  
Tuticorin District.
- 3.The Superintendent of Police,  
Criminal Investigation Department (CBCID),  
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- 4.The Deputy Superintendent of Police,  
Criminal Investigation Department (CBCID),  
Tirunelveli Range,  
No.17, NH Driver's Colony Main Road,  
Perumalpuram, Tirunelveli 627 007.
5. Mr.S.Raju, Deputy Superintendent of Police,  
DCB Tuticorin.
- 6.The Inspector of Police,  
Criminal Investigation Department (CBCID),  
Collectorate Complex, Near SP Office,  
Korampallam, Tuticorin.
- 7.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**K.MURALI SHANKAR,J.**

DAS

Order made in  
Crl.O.P.(MD)No.14189 of 2024



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**Dated: 29.08.2024**