



*Crl.O.P.(MD)No.17623 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM

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

Crl.O.P.(MD)No.17623 of 2024

1.Manimaran

2.Mahendran

3.Baskaran

... Petitioners

Vs.

1.The Superintendent of Police,  
Virudhunagar District,  
Virudhunagar.

2.The Inspector of Police,  
Rajapalayam North Police Station,  
Virudhunagar District.

3.Balamurugan  
Special Sub Inspector of Police,  
Rajapalayam North Police Station,  
Virudhunagar District.

4.Sathyaraj

5.Muneeswari

... Respondents



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**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent to withdraw and transfer the investigation in Crime No.241 of 2024 from the second respondent police to any other agency and further direct the first respondent to carry out a speedy and expeditious investigation in this case within a time stipulated by this Court.

For Petitioners : Mr.B.Senthilkumar

For R1 & R2 : Mr.P.Kottai Chamy  
Government Advocate (Crl. Side)

### **ORDER**

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the first respondent to withdraw and transfer the investigation in Crime No.241 of 2024 from the second respondent police to any other agency and further direct the first respondent to carry out a speedy and expeditious investigation in this case within a time stipulated by this Court.

2. It is seen from the records that on the basis of the complaint given by one Kathiravan, FIR came to be registered in Crime No.241 of 2024 on 08.09.2024 for the alleged offences under Sections 191(3),



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329(4), 296(b), 109, 118(1) and 351(3) BNS against five persons. The petitioners, who are neither the defacto complainant nor the accused, have filed the present petition for change of investigation.

3. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that on the basis of the complaint given by one Muniswari, FIR came to be registered in Crime No.274 of 2024 on 29.09.2024 for the alleged offences under Sections 329(4), 296(b), 351(3) and 305(a) BNS and Section 4 of TN Prohibition of Harassment of Women Act, 2002 against four persons including the petitioners herein. He would further submit that since FIR came to be registered against the petitioners, in order to escape from the criminal prosecution and in order to divert the case, they have filed the present petition.

4. As already pointed out, admittedly, the defacto complainant or the victim have not approached for change of investigation, but the petitioners alleged to be the eye witnesses for the said incident have approached this Court with the above petition. The petitioners have not



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shown any valid reason or ground for change of investigation. When the change of investigation was not sought for by the parties, who are entitled to seek for the same and as rightly contended by the learned Government Advocate (Criminal Side), since FIR came to be registered against the petitioners, the present petition came to be filed, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition stands dismissed.

**17.10.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
csm

To

- 1.The Superintendent of Police,  
Virudhunagar District,  
Virudhunagar.
- 2.The Inspector of Police,  
Rajapalayam North Police Station,  
Virudhunagar District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

csn

Order made in  
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