



Crl.O.P.(MD)No.21751 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21751 of 2024

P.Ibramsha @ Mooza

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Pudukottai District.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Alangudi, Pudukottai District.

3.The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.
Crime No.276/218.

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the 1st Respondent to transfer the investigation to some other agency to conduct further enquiry in Crime No.138/2024 on the file of the 3rd Respondent within the time stipulated by this Court.

For Petitioner	: Mr.S.Gurumoorthy
For Respondents	: Mr.A.Thiruvadikumar Additional Public PRosecutor



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ORDER

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The petitioner/ defacto complainant on whose complaint case in Crime No.138 of 2024 for the offence under Sections 191(2), 127(2), 296(b), 115(2) and 351(2) of BNS Act, 2023, registered against 8 persons. The contention of the petitioner is that though the petitioner had given specific details with regard to the overt act of the each accused, who had assaulted the petitioner and thereby, the petitioner sustained injury, and lodged complaint, immediately, the respondent police, after registration of an FIR, had not taken any steps, on the other hand, the counter group had lodged complaint against the petitioner and case in Crime No.137 of 2024 registered. The police is taking step to arrest the petitioner. Hence, the petitioner approached this Court and obtained anticipatory bail and also complied with condition. Though FIR registered in Crime Nos.138 and 139 of 2024 against the aggressor, who assaulted the petitioner, no action has been taken. The accused are roaming freely and further, they are also exerting pressure on the petitioner and sending messages that the petitioner would be done away and the petitioner to withdraw the complaint lodged against them. The petitioner had made a representation in this regard to the Inspector of Police/ third respondent, but no action had been taken. Hence, the above petition.



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2. The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the dispute between the petitioner. Against the petitioner Crime No.137 of 2024 and against the rival group Crime Nos.138 and 139 of 2024 are pending. It is true that nobody was arrested in this case, but the investigation has been proceeded. Eye witnesses have been examined. In view of the petitioner had developed a doubt on the third respondent, it would be appropriate that investigation can be conducted by Senior Office.

3. Considering the submissions made and perused the materials available, it is seen that the petitioner and his counter party are abusing and attacking each other. Three cases pending in Crime Nos.137, 138 and 139 of 2024. In view of the above, this Court directs the investigation in Crime Nos. 137, 138 and 139 of 2024 on the file of the third respondent is hereby transferred to the file of the Deputy Superintendent of Police/second respondent herein. The third respondent is directed to hand over the case diary and particulars of all three cases to the second respondent and the second respondent to complete the investigation in all above three cases and file a final report within a period of three months.



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4. With the above direction, this Criminal Original Petition is allowed.

11.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
Rmk

To

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Pudukottai District.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Alangudi, Pudukottai District.
- 3.The Inspector of Police,
Keeramangalam Police Station,
Pudukottai 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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