



Crl.O.P.(MD)No.19876 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19876 of 2024

S.Paramsivan

... Petitioner

Vs.

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

2. The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi,
Tenkasi District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to transfer the investigation of Crime No.309 of 2024 dated 04.09.2024 from the file of second respondent to any other competent investigation agency/authority and complete the investigation in a timely manner.

For Petitioner : Mr.N.Vignesh

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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The Criminal Original Petition has been filed seeking a direction to transfer the investigation in Crime No.309 of 2024 on the file of the 2nd respondent to any other competent investigation agency.

2. The petitioner/defacto complainant in Crime No.309 of 2024 would submit that the respondent police despite provided with evidence that 19 persons have been involved in the assault of the petitioner and others, the respondent police had registered a case only against five persons. The petitioner on several occasions had approached the respondent police and pleaded that proper investigation to be conducted and to proceed the case against all the 19 persons. However, the respondent police has not taken any action. Hence, the petitioner sent a representation to the first respondent.

3. The learned Additional Public Prosecutor would submit that the petitioner is an accused in the counter case in Crime No.308 of 2024. Both the cases in Crime Nos.308 and 309 of 2024 are being investigated together following the police standing orders. The petitioners had sent a



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representation to the first respondent about the non-investigation of other accused persons and the same has been received by the first respondent, who is conducting the investigation now. The petitioner can very well appear before the respondent police and can provide further details.

4. However, the petitioner is now with the electronic evidence and pictures recording all the incident, wherein all the accused persons were present together which has been capture in the mobile phone. The petitioner is directed to submit the mobile phone with the pictures, so that the same can be considered. In view of the same, the petitioner is directed to appear before the respondent police and furnish the details. Thereafter, the respondent police is directed to verify the same and conduct the investigation in Crime No.309 of 2024.

5. Accordingly, this Criminal Original Petitions is disposed of.

18.11.2024

NCC : Yes / No
Index : Yes / No
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M.NIRMAL KUMAR, J.

jbr

To

1. The Superintendent of Police,
Tenkasi District,
Tenkasi.
2. The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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