



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

Crl.O.P(MD).No.22468 of 2024

M. Eswari

... Petitioner

Vs

1. The State of Tamilnadu,
Rep.by, The Superintendent of Police,
Sivagangai, Sivagangai District.

2. The Deputy Superintendent Of Police,
Manamadurai, Sivagangai District.

3. The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District (Crime No. 516 of 2024).

... Respondents

Prayer: Criminal Original Petition filed under section 528 of BNSS to transfer the investigation in Crime No. 516 of 2024 pending on the file of the 3rd respondent and entrust the same to any other officer.

For Petitioners : Mr. C.Senthil Murugan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

**ORDER**

This Criminal Original petition has been filed to transfer the investigation in Crime No. 516 of 2024 pending on the file of the 3rd respondent and entrust the same to any other officer.

2. It is the contention of the petitioner that he had lodged a complaint for the assault committed by four persons, in which, the petitioner and her son were seriously injured and took treatment as inpatient. Though the 3rd respondent police initially filed a complaint in CSR No. 1531 of 2024, had not registered any FIR till now. Hence, the petitioner sent a representation on 03.12.2024 to various authorities including the National Commission for Women. Only thereafter, an antedated FIR in Cr.No.516 of 2024, dated 25.11.2024 was filed under Sections 296(b), 118(1), 353(3) of BNS Act. Hence, the petitioner apprehends that the present investigation officer would not conduct investigation in a proper manner, sought for transfer of investigation.

3.The learned Additional Public Prosecutor submitted that since it was a fight between the neighbours, initially CSR filed and thereafter, FIR was registered as against four accused persons. So far,



taken treatment for two days and the medical records are yet to be collected. Since the investigation is done in the right direction, the final report will be filed in this case within the stipulated time.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

5. Considering the facts and circumstances of the case, though the petitioner apprehends that investigation may not be done in a proper way, now the investigation is done in a right direction. Hence, there is no need for ordering transfer of investigation. However, the respondent police is directed to complete the investigation in accordance with law, without any further delay and file a final report before the concerned Court. Due to the apprehension of the petitioner that the investigation may not be conducted by the 3rd respondent in a proper way, the Deputy Superintendent of Police, Manamadurai is hereby directed to monitor the investigation and ensure that the charge sheet would be filed within the stipulated time.



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6. With the above directions, this petition stands disposed of.

19.12.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
PNM

To
The Superintendent of Police,
Sivagangai, Sivagangai District.

2. The Deputy Superintendent Of Police,
Manamadurai, Sivagangai District.

3. The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District (Crime No. 516 of 2024).

4. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai



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5

M. NIRMAL KUMAR, J.

PNM

ORDER IN
CrI.O.P(MD) No. 22468 of 2024

19.12.2024