



Crl.O.P.No.2939 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.2939 of 2025

Murugaesan

... Petitioner

Vs

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

2. The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District,
Cr.No.310/2024.

3. The Inspector of Police,
CBCID,
Tiruvannamalai District.

... Respondents

PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the Respondent No.1 to withdraw the case in the Cr.No.310 of 2024 pending on the file of Respondent No.2 police and transfer the same to CBCID police/Respondent No.3 to further investigate and file a final report in the said case based on the representation of the petitioner dated 24.10.2024 before the appropriate Court.



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For Petitioner : Mr.B.Mohan

For Respondents : Mr.R.Vinothraja
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed for direction directing the first respondent to withdraw the entire case diary in Cr.No.310 of 2024 from the file of the second respondent and to transfer the same to the file of the third respondent.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. On 28.09.2024, the petitioner's son went to visit the land and thereafter, he did not return home. On 29.09.2024, the petitioner, who is being the father of the deceased was informed that his son was lying burnt near the neighbour's land. Immediately, he was taken to the hospital and he was treated for four days. However, the petitioner's son died. Hence, the complaint.



4. On the complaint, the second respondent registered FIR in Crime No.310 of 2024 for the offences punishable under Sections 109(1) and 110 of BNS and Section 35(1)(b) of the Electricity Act, 2003.

5. The petitioner raised grounds to transfer the investigation that while the deceased was taking treatment, his dying declaration was recorded and he specifically mentioned two persons that too the neighbour of his land were the reason for his death. Even then, the second respondent did not secure them and add as accused.

6. On instructions, the learned Government Advocate (Crl.side) appearing for the respondents submitted that no dying declaration was recorded from the deceased, since he was not in a position to give any statement. However, after receipt of the postmortem report, it was found that the death was not due to electrocution but there was some burn injuries in the body.

7. Therefore, the second respondent altered the offences under Sections 103 of BNS and Section 135(1) of Electricity Act, 2003. Now, the investigation is under progress. At this stage, if the investigation is transferred



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to any other investigation agency, it would affect the entire investigation already done by the second respondent. That apart, the second respondent had examined more than 40 persons so far and about to complete the investigation.

8. In view of the above, this Court is not inclined to transfer the investigation in Cr.No.310 of 2024 from the file of the second respondent to the file of the third respondent. However, the second respondent is directed to complete the investigation and file a final report, within a period of twelve weeks from the date of receipt of a copy of this order. It is also made clear that whatever the materials furnished by the petitioner to the second respondent, the second respondent is directed to look into the same and proceed with the investigation accordingly.

9. In view of the above, this Criminal Original Petition is dismissed.

05.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

1. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
2. The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District,
3. The Inspector of Police,
CBCID,
Tiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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