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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM:

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

Crl.O.P.No.5962 of 2024

S.Mahaveer Shivaji ... Petitioner

Vs

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

2. The Deputy Superintendent of Police
   O/O. The Deputy Superintendent of Police,
   Vandavasi Town And Taluk,
   Tiruvannamalai District.

3. The Inspector of Police,
   Thellar Police Station,
   Tiruvannamalai District. ... Respondents

PRAYER: Criminal Original Petition is filed under Section 428 of Cr.P.C/ Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the first respondent police to transfer the pending investigation in Cr.No.389/2019 dated 23.10.2019 from the third respondent police i.e from the Inspector of Police, Thellar Police station, Tiruvannamalai and transfer the same to any other competent agency and file a final report.

For Petitioner : Mr.S.Mahaveer Shivaji, Party-in-Person
For Respondents : Mr.R.Vinothraja
Government Advocate (Crl.side)

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ORDER

This petition has been filed for transfer of investigation in Cr.No.389 of 2019 dated 23.10.2019 from the file of the third respondent police to any other investigation agency.

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

3. The petitioner is the complainant. He had lodged the complaint with several allegations. Considering the same, the third respondent registered FIR in Crime No.389 of 2019 for the offences punishable under Sections 147, 342, 294(b), 506(1), 406 and 420 of IPC as against the accused. However, even till today, the third respondent did not even conduct any investigation that too without securing any of the accused. The accused persons neither obtained anticipatory bail nor arrested so far in Crime No.389 of 2019. In fact, the petitioner also approached this Court for completion of investigation in Crime No.389 of 2019 in Crl.O.P.No.8171 of 2021. This Court, by an order dated 30.04.2021 directed the third respondent to complete the investigation and file a final report, within a period of three months from the date of receipt of the order.

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4. Even after a period of four years from the date of the order, the third respondent simply kept the FIR pending. It shows that the accused persons having influence with the third respondent, managed to keep the FIR pending without any progress.

5. In view of the above, it is a fit case for transfer of investigation from the file of the third respondent to the file of any other investigation agency in Crime No.389 of 2019. Accordingly, the entire case diary in Crime No.389 of 2019 is hereby withdrawn from the file of the third respondent to the file of the Inspector of Police, District Crime Branch, Tiruvannamalai District. The third respondent is directed to handover the entire case diary in Crime No.389 of 2019 to the file of the Inspector of Police, District Crime Branch, Tiruvannamalai District, forthwith. On receipt of the same, the Inspector of Police, District Crime Branch, Tiruvannamalai District is at liberty to secure the accused and complete the investigation and file a final report within a period of twelve weeks from the date of receipt of entire case diary.

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6. In the result, this Criminal Original Petition stands allowed.

07.04.2025

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

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To

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

2. The Deputy Superintendent of Police
   O/O. The Deputy Superintendent of Police,
   Vandavasi Town And Taluk,
   Tiruvannamalai District.

3. The Inspector of Police,
   Thellar Police Station,
   Tiruvannamalai District.

4. The Public Prosecutor,
   High Court, Madras.

Copy to

The Inspector of Police,
District Crime Branch,
Tiruvannamalai District.

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G.K.ILANTHIRAIYAN. J,

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