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CrI.O.P.No. 9184 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

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

CrI.O.P.No.9184 of 2025

Thangavalli

... Petitioner

Vs.

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

2.The Inspector of Police,
Perambalur Police Station,
Perambalur.

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, directing the respondents 1 and 2 to transfer the investigation in Crime No.932 of 2024, on the file of the second respondent to any other competent agency for conducting free, fair investigation and file a final report within a stipulated time.

For Petitioner : M/s.Divya Bharathi

For Respondents : Mr.A.Gopinath,
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents to transfer the investigation in Crime No. 932 of 2024, pending on the file of the second respondent to any other competent agency.

2. The case of the prosecution is that the petitioner's husband was murdered by the accused on 22.12.2024. While being so, one Vijay informed the petitioner's grandson about the occurrence, stating that the deceased, the accused, and the said Vijay had consumed alcohol together after completing their construction work. While doing so, a dispute arose between the accused and the deceased. At that juncture, Vijay moved some distance away from the scene of occurrence to attend a phone call. Thereafter, he allegedly witnessed the accused brutally attacking the deceased. He then informed an ambulance, and the deceased was taken to the hospital, where he succumbed to his injuries. Hence, the second respondent registered a case in Crime No.932 of 2024 for the offences punishable under Sections 296(b), 118(1) and 351(3) of BNS, 2023.



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3. The learned counsel for the petitioner would submit that though the said Vijay was present at the scene of occurrence, he has not been implicated as an accused. It is the case of the petitioner that Vijay, in order to escape from the clutches of law, has misrepresented the facts by claiming that he was away from the scene of occurrence at the time of the attack. According to the petitioner, both the accused and Vijay attacked the deceased, leading to his death. Despite this, the second respondent has not arrayed Vijay as an accused.

4. The learned Government Advocate (Criminal Side) would submit that the said Vijay was indeed present at the scene of occurrence, however, there is no evidence to implicate him as an accused. It was further contended that there was no eyewitness to the actual occurrence.

5. Heard both sides and perused the material placed before this Court.



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6. On perusal of records, it is evident that the only person who claims to have witnessed the occurrence is Vijay. Though he informed the petitioner's grandson about the incident, he was very much present at the scene of occurrence. His assertion that he moved away to attend a phone call appears to be a defense to evade legal consequences. In view of these circumstances, the second respondent is directed to include Vijay as an accused in the case and proceed with the investigation accordingly. The second respondent shall complete the investigation and file the final report within a period of twelve weeks from the date of receipt of a copy of this order. Further, the first respondent is directed to monitor the investigation conducted by the second respondent.

7. With the above directions, this Criminal Original Petition stands disposed of.

27.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk



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To

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

2.The Inspector of Police,
Perambalur Police Station,
Perambalur.

3. The Public Prosecutor,
High Court, Madras.

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G.K.ILANTHIRAIYAN, J.

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