



Crl.O.P.No.11130 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 16.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11130 of 2025
and Crl.M.P.No.7416 of 2025

A.Kamala

... Petitioner

Vs

1. State Represented by
The Inspector of Police,
CBCID Metro,
Chennai.
(Crime.No.05/2025)

2. The Central Bureau of Investigation,
Represented by its Joint Director,
Chennai Zone,
Rajaji Bhavan,
Besant Nagar,
Chennai.

... Respondents

PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records culminating in Crime No.5 of 2025 pending investigation on the file of the first respondent and transfer the investigation to second respondent with a direction to conduct De Novo investigation in accordance with law to secure the ends of justice.



WEB COPY



Crl.O.P.No.11130 of 2025

For Petitioner : Mr.C.Iyyapparaj
for Mr.P.Rajkumar Pandian
For R1 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.5 of 2025 from the file of the first respondent to the file of the second respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent and perused the materials placed on record.

3. Originally, the petitioner lodged a complaint before the Inspector of Police, Kilpauk Police Station, Chennai and was issued with CSR No.118 of 2025. Pending enquiry, as per the order passed by the Director General of Police, Chennai, the complaint has been transferred to the file of the first respondent. On receipt of the said complaint, the first respondent registered FIR in Crime No.5 of 2025 for the offences punishable under Sections 191(1), 115, 332(c), 324(4), 351(2) and 296(b) of BNS, 2023.



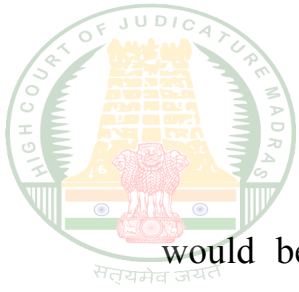
WEB COPY

4. There are totally 21 accused, in which the first respondent so far arrested five accused persons and they are yet to arrest other accused persons.

At this stage, the petitioner came forward with this petition for transfer of investigation from the file of the first respondent to the file of the second respondent.

5. The learned counsel for the petitioner would submit that though the first respondent registered FIR, so far no statement has been recorded from any of the witnesses. 20 accused persons trespassed into the house of the petitioner and completely ransacked the entire house, abused the petitioner and also threatened with dire consequences. Even then, the first respondent did not take any action as against the accused.

6. It is seen that FIR was registered only on 25.03.2025 as against 21 accused, in which so far, the first respondent had arrested only five accused and yet to arrest other accused. Now, the investigation is in progress. That apart, it is not a fit case to enquire by the second respondent. At this stage, if the investigation is transferred from the file of the first respondent to the file of second respondent, the entire investigation already done by the first respondent



Crl.O.P.No.11130 of 2025

would be affected. Therefore, this Court finds no grounds to transfer the investigation from the file of the first respondent to the file of the second respondent. However, the first respondent is directed to complete the investigation in Crime No.5 of 2025 and file a final report, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition is closed.

16.04.2025

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



WEB COPY



CrI.O.P.No.11130 of 2025

To

1. The Inspector of Police,
CBCID Metro,
Chennai.
(Crime.No.05/2025)
2. The Joint Director,
The Central Bureau of Investigation,
Chennai Zone,
Rajaji Bhavan,
Besant Nagar,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.11130 of 2025

G.K.ILANTHIRAIYAN. J.

mn

Crl.O.P.No.11130 of 2025

16.04.2025