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Crl.O.P.No.12763 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.06.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.12763 of 2025

Tamilarasan, S/o Balakrishnan

Vs.

.. Petitioner

The State rep. by

1. The Director General of Police,
O/o Director General of Police Office,
Mylapore, Chennai.
2. The Superintendent of Police,
O/o Superintendent of Police,
Tiruvannamalai District.
3. The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.

.. Respondents

Criminal Original Petition filed under Section 528 of the BNS praying to transfer the investigation pending on the file of the third respondent in Crime No.77 of 2025 to CB-CID or any other competent investigation agency, pursuant to the petitioner's representation, dated 21.03.2025.

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For petitioner : M/s.R.Thirumoorthy

For respondents: Dr.C.E.Pratap, Govt. Advocate (Criminal Side)

ORDER

This petition has been filed praying to transfer the investigation pending on the file of the third respondent in Crime No.77 of 2025 to CB-CID or any other competent investigation agency, pursuant to the petitioner's representation, dated 21.03.2025.

2. It is seen from the records that a case was registered in Crime No.77 of 2025, dated 02.03.2025 for the offences under Sections 296(b), 131, 351(3), 109(1) of the BNS, 2023. It is further seen from the records that admittedly, while the victim was taking treatment in the hospital, on the request of the investigating officer, the Judicial Magistrate visited the hospital and in the presence of the Medical Officer, dying declaration was also recorded. Instead of taking action against the persons and implead them as accused persons, the Police has not properly conducted the investigation for the best reasons known to them and they have recorded the statement under Section 161 Cr.P.C. stating that the victim has not given statement as stated before the Magistrate, which itself shows that the investigating officer is prejudiced and therefore, if third

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respondent is allowed to continue the investigation further, there may not be a fair investigation, because, already they have obtained statement from the victim, which is totally contra to the statement recorded before the Judicial Magistrate, that too in the presence of the Medical Officer, who has given treatment and who has given a certificate of fitness.

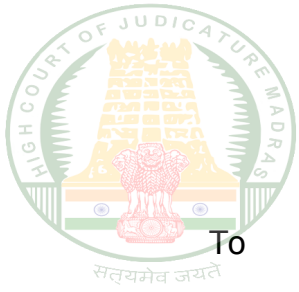
3. Therefore, in the above circumstances, this Court finds there are satisfying grounds taken by the petitioner for transfer of investigation, and hence, continuing the investigation by the third respondent will not be a fair investigation, and therefore, this Court is inclined to transfer the investigation from the file of the third respondent to the CB-CID, Thiruvannamalai.

4. With the above direction, this petition is allowed.

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To

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1. The Director General of Police,
O/o Director General of Police Office,
Mylapore, Chennai.
2. The Superintendent of Police,
O/o Superintendent of Police,
Tiruvannamalai District.
3. The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
4. The Public Prosecutor, High Court, Madras.
5. The Officer-in-charge, CB.CID, Tiruvannamalai.



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P.VELMURUGAN, J

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