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Crl.O.P.No. 12408 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM:

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

Crl.O.P.No.12408 of 2025

Periyasamy

..... Petitioner

Vs

1. The Sub Inspector of Police,
Sirupakam Police Station,
Cuddalore District.
Crime No.35/2025.

2. The Inspector of Police,
CB-CID,
Cuddalore District,
Cuddalore.

..... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to transfer the case in Crime No.35 of 2025 on the file of Sub Inspector of Police, Sirupakkam Police Station, Cuddalore District to second respondent CB-CID to conduct further investigation into the matter in accordance with law.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed seeking transfer of investigation in Crime No.35 of 2025 from the file of the first respondent to the file of the second respondent.

2. On instructions, the learned Government Advocate (Crl.Side) appearing for the respondents submitted that a counter complaint has also been lodged and the same has been registered in Crime No.42 of 2025 for the offences under Sections 296(b), 115(2), 118(1), 351(3) of the Bharatiya Nyaya Sanhita, 2023 r/w. Section 4 of the Tamil Nadu Prohibition of Women Harassment Act. Thus, two complaints have been registered for the very same occurrence.

3. In view of the above, transferring one FIR to another investigating agency would affect the entire proceedings, since the first respondent ought to have followed the provisions laid down under Section 566 of the Police Standing Orders. Therefore, this Court is not inclined to transfer the investigation in Crime No.35 of 2025 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



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Crime Nos.35 of 2025 and 42 of 2025 and file a final report within a period of twelve weeks from the date of receipt of a copy of this order, strictly following the provisions laid under Section 566 of the Police Standing Orders.

4. With the above direction, this Criminal Original Petition stands dismissed.

24.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The Sub Inspector of Police,
Sirupakam Police Station,
Cuddalore District.
Crime No.35/2025.

2. The Inspector of Police,
CB-CID,
Cuddalore District,
Cuddalore.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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