



Crl.O.P.No. 18329 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

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

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N.Vijaya Baskar

... Petitioner

Vs.

1.The Commissioner of Police,
Salem City, Salem.

2.The Deputy Commissioner of Police,
Salem City, Salem.

3.The Inspector of Police,
Anti Land Grabbing Special Cell,
Central Crime Branch (CCB), Salem City,
Salem.

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to direct the first respondent police to transfer the pending investigation in Crime No.19 of 2023 dated 05.07.2023 from the third respondent police i.e., from the Inspector of Police, Anti Land Grabbing Special Cell, Salem City to any other Competent Authority and file a final report.



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For Petitioner-in-person : Mr.N.Vijaya Baskar

For Respondents : Mr.S.Vinothraja,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.19 of 2023 dated 05.07.2023 from the third respondent police to any other Competent Authority and file a final report.

2. The learned Government Advocate (criminal side) submits that based on the complaint lodged by the defacto complainant, a case in Crime No. 19 of 2023 has already been enquired and the final report has been filed before the Chief Judicial Magistrate, Salem, on 11.02.2025. Therefore, no investigation is pending on the file of the third respondent.

3. Considering the submission made by the learned Government Advocate (crl. side), the prayer sought in the Criminal Original Petition



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cannot be granted. However, the petitioner is at liberty to invoke Sections 216 and 319 of the Criminal Procedure Code during the trial before the Trial Court, to add any other accused persons and also to include any other charges against the accused persons. The Chief Judicial Magistrate, Salem is directed to take cognizance of the final report filed by the third respondent within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, the Criminal Original Petition stands disposed of.

13.02.2025

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



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G.K.ILANTHIRAIYAN, J.

shk

To

1. The Chief Judicial Magistrate, Salem
2. The Commissioner of Police,
Salem City, Salem.
3. The Deputy Commissioner of Police,
Salem City, Salem.
4. The Inspector of Police,
Anti Land Grabbing Special Cell,
Central Crime Branch (CCB), Salem City,
Salem.
5. The Public Prosecutor,
High Court, Madras.

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