



CrI.O.P.No.19175 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.19175 of 2025

K.Jayamani

... Petitioner

Vs

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

2. The Deputy Superintendent of Police,
Udumalpet Range,
Tiruppur District.

3. The Inspector of Police,
CBCID,
Tiruppur District,
Tiruppur.

4. The Inspector of Police,
Udumalpet Police Station,
Tiruppur.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS 2023, to direct the first respondent to transfer the investigation in F.I.R in Crime No.367 of 2025 on the file of the fourth respondent to the third respondent and to conduct investigation and file a final report in the abovesaid F.I.R in Crime No.367 of 2025 within a time frame.



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Crl.O.P.No.19175 of 2025

For Petitioner : Mr.S.Ilamuhil

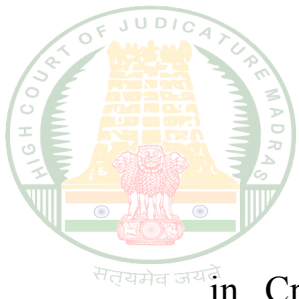
For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent to transfer the investigation in F.I.R in Crime No.367 of 2025 from the file of the fourth respondent to the third respondent and to conduct investigation and file final report in the abovesaid F.I.R in Crime No.367 of 2025, within a time frame.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents- Police and perused the materials available on record.

3. It is seen that the petitioner is the wife. When the matrimonial proceedings were pending, the husband had taken the petitioner's car without knowledge/permission of the petitioner. Hence, she made a complaint before the respondents- Police. Since the respondents-Police have not taken any action, she preferred a complaint

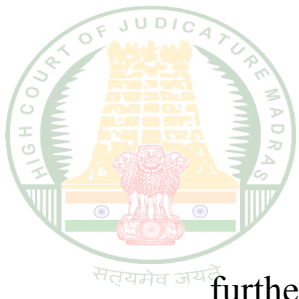


Crl.O.P.No.19175 of 2025

WEB COPY

in Crl.M.P.No.855 of 2024 before the Judicial Magistrate No.I, Udumalpet, seeking direction to direct the respondents-Police to register the F.I.R in respect of the said complaint. The learned Magistrate has also given direction to the respondents-Police to register the case and conduct investigation. Based on the said direction, the fourth respondent Police has registered the case in Crime No.367 of 2025. Since the respondents have not shown any progress in the investigation, the petitioner has filed the this petition for transfer of investigation from the fourth respondent to third respondent.

4. It is seen from the records that the petitioner is the wife who has given complaint against her husband. Due to matrimonial dispute, they have approached the Family Court seeking divorce and the same is pending. At this stage, the petitioner's husband, in the absence of the petitioner/wife took away the petitioner's Car Bearing Registration No.TN94-9048. Hence, she filed a complaint before the Judicial Magistrate No.I, Udumalpet. The learned Magistrate instead of taking the complaint as private complaint, proceeded with the case and



CrI.O.P.No.19175 of 2025

WEB COPY

further, the learned Magistrate had given a direction to the Police to register the case. Since the petitioner has given a complaint against the specific person who is none other than her husband, who took away the car and the car number has also been mentioned in the F.I.R, there is no necessity to conduct investigation in this case. It is for the petitioner has to substantiate her allegations/averments made in the complaint. Further, the learned Magistrate has to conduct enquiry/trial in the private complaint as against the petitioner's husband and proceed the case further in accordance with law. Instead of doing the same, the learned Magistrate directed the Police to investigate the matter. This Court is surprised to see as to what has to be investigated and what has to be found out in this case, when the petitioner has clearly stated the name of the accused and the details of the property which was taken by the so called husband.

5. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court is inclined to quash the F.I.R in Crime No.367 of 2025 on the file of the



Crl.O.P.No.19175 of 2025

WEB COPY

fourth respondent and accordingly the same is quashed. The order passed by the learned Judicial Magistrate No.I, Udumalpet in Crl.M.P.No.855 of 2024 is set aside. The learned Magistrate is directed to deal with the complaint filed by the petitioner before the Magistrate as a private complaint and conduct enquiry in accordance with law and dispose of the same on merits. Further, if the respondent-Police finds that the car is stolen by the person/petitioner's husband or any other individual, the learned Magistrate shall give suitable direction to the Police to secure the Car and produce the same before the Court below.

6. With the abovesaid direction, this Criminal Original Petition is disposed of.

10.07.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



CrI.O.P.No.19175 of 2025

WEB COPY

- To
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 2. The Superintendent of Police,
Tiruppur District, Tiruppur.
 3. The Deputy Superintendent of Police,
Udumalpet Range,
Tiruppur District.
 4. The Inspector of Police,
CBCID,
Tiruppur District,
Tiruppur.
 5. The Inspector of Police,
Udumalpet Police Station,
Tiruppur.
 6. The Public Prosecutor,
High Court, Chennai.



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CrI.O.P.No.19175 of 2025

P.VELMURUGAN, J

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CrI.O.P.No.19175 of 2025

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