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CrI.O.P.No. 20634 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.20634 of 2025

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... Petitioner

Vs.

1. The State Rep.by,
Inspector of Police,
Pullarambakkam Police Station,
Tiruvallur, Crime No.108 of 2025.
2. The State Rep.by,
CBCID,
Egmore, Chennai - 600 008.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to transfer the investigation in Crime No.108 of 2025 dated 12.07.2025 from the hands of the respondent Police to CB CID or any other special branch to investigate in a fair and impartial manner.

For Petitioner : Mr.N.Kumanan

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

ORDER



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WEB COPY The Criminal Original Petition is filed seeking a direction to transfer the investigation in Crime No.108 of 2025 dated 12.07.2025 on the file of the first respondent-Police to the file of CB CID or any other special branch to investigate the case in a fair and impartial manner.

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

3. The case of the prosecution as per the *de-facto* complainant one Shankar, is that on 11.07.2025, when he was returning to his home, the accused persons consumed liquor in public and when it was questioned, the accused persons abused him in filthy language and also chased away. When it was informed to his neighbour Karthikeyan, he went to the scene of occurrence and questioned the attitude of the accused and the accused persons assaulted the *de-facto* complainant and the said Karthikeyan with stones and sticks and also intimidated them with dire consequences and that the *de-facto* complainant and the said Karthikeyan sustained injuries.



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When the public gathered, the accused persons fled away from the scene of occurrence and threatened the entire public that not to mess with the said Rajasekar. Thereafter, both the injured were taken to Government Hospital for treatment, but the said Karthikeyan was declared as dead and the *de-facto* complainant was admitted as in-patient in the hospital. Based on the statement recorded from the *de-facto* complainant/Shankar, on 12.07.2025, the first respondent-Police registered a case in Crime No.108 of 2025 for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 105 of the Bharatiya Nyaya Sanhita, 2023 against one Anand Babu and others.

4. It is the contention of the learned counsel for the petitioner that due to previous enmity, at the instigation of one Rajasekar, who has been listed as history sheeter, the accused persons attacked the petitioner's son Karthikeyan and the *de-facto* complainant with dire consequences and assaulted them with sticks and stones, due to which, the said Karthikeyan died and the *de-facto* complainant sustained injuries. Soon after the occurrence, the petitioner has given a complaint against the said Rajasekar, but the first respondent-Police refused to register her case,



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instead, they have recorded the statement from the *de-facto* complainant and registered the case without naming the said Rajasekar as an accused and also registered the case under Section 105 of the BNS alone, instead of murder. It is the further contention of the learned counsel for the petitioner that though the first respondent-Police, from day one of the occurrence, did not conduct the investigation in a free and fair manner and has acted in a biased manner, hence the investigation in Crime No.108 of 2025 dated 12.07.2025 may be transferred from the file of the first respondent-Police to the file of CB CID or any other investigating agency.

5. Learned Government Advocate (CrI.Side) appearing for the first respondent-Police, on instructions, submitted that after recording the statement of the *de-facto* complainant, the case in Crime No.108 of 2025 was registered on 12.07.2025 and investigation is under progress.

6. It is seen that, in the instant case, the complaint was registered only on 12.07.2025 and the investigation is under progress, on a mere apprehension, the petitioner has come forward with the present petition



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seeking transfer of investigation from the first respondent-Police to any other investigation agency, which is premature in nature. Hence, this Criminal Original Petition is dismissed. However, the first respondent-Police is hereby directed to complete the investigation in Crime No.108 of 2025 and file a charge sheet before the jurisdictional Court as expeditiously as possible. However, it is always open to the petitioner to avail her remedy before the appropriate forum, after filing of charge sheet by the first respondent-Police, if she so desires.

23.07.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Inspector of Police,
Pullarambakkam Police Station,
Tiruvallur, Crime No.108 of 2025.
2. The Officer incharge,
CBCID,
Egmore, Chennai-600 008.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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