



Crl.O.P.No.21820 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

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**THE HONOURABLE MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

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S.Sridhar

...Petitioner

Vs.

1. The Director General of Police,
Police Headquarters,
Puducherry.
2. Deputy Inspector of General of Police,
Puducherry.
3. Central Bureau of Investigation,
Chennai Division,
Chennai.
4. The Senior Superintendent of Police,
Puducherry.
5. Circle Inspector of Police,
Grand Bazaar P.S
Puducherry.
6. Station House Officer,
Grand Bazaar P.S,
Puducherry.

...Respondents

Petition filed under Section 528 of the Bharatiya Suraksha Sanhita, 2023 to direct the respondent to transfer the case in Crime No.141 of 2019, on the file of 5th respondent, Grand Bazaar Police Station, to Central Bureau of Investigation, 3rd respondent for fair investigation.



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For Petitioner : Mr.V.Balamurugan

For Respondents : Mr.AR.L.Sundaresan, ASG for
Mr.S.Raveekumar, GP(Puducherry)
Assisted by M.V.Ramachandramurthy,
APP(Puducherry) for RR1, 2 and 4 to 6

ORDER

This Criminal Original Petition is filed to transfer the case in crime No.141 of 2019 on the file of the fifth respondent, Grand Bazaar Police Station to the Central Bureau of Investigation, the third respondent, for fair investigation and pass such further or other orders.

2. Heard Mr V.Balamurugan, learned counsel for the petitioner.

3. The learned counsel for the petitioner would first take this Court through the contents of the First Information Report in Crime No.141 of 2019. The learned counsel would submit that the complaint was given by the then Inspector of Police, Grand Bazaar Police Station as against another police officer who was hitherto the Station house officer of the very same police station namely Grand Bazaar Police Station. The FIR is registered with the allegation that the named accused N.Selvam was earlier posted as the Station House Officer of the said police station, who without completing the investigation in Crime Nos.163 of 2017 and 8 of



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2018 and 47 of 2018 which was investigated by him and without filing the final report or leaving the case diary in the police station, has misappropriated the Government property and has taken away the case files with him. On the strength of the said allegations, the case was registered in Crime No.141 of 2019 for an offence u/s.409 of the Indian Penal Code, 1860. Without filing the final report or without taking the said case to its logical course, yet another case is filed as crime No.141 of 2019 which is a different complaint given by one Vadivel as against 3rd parties namely Amalraj and others.

4. When already the FIR has been registered in Crime No. 141 of 2019, the registration of the second case in the same Crime number is erroneous. In any event, since the accused is also a Police Officer and the complainant is also a Police Officer, the respondent police is sweeping things under the carpet and therefore the petitioner being a third party is before this Court seeking the transfer of investigation to the Central Bureau of Investigation. Unless the entire episode is thoroughly investigated by a third party organization, the truth will not come out.

5. Per Contra, the learned Additional Solicitor General appearing



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on behalf of the respondents 1, 2, 4 to 6 would submit that it was true that Crime No.141 of 2019 was initially registered, but subsequently finding those case files were found and the investigations completed and the final reports were filed. Since the registration of the FIR itself was erroneous, the same was deleted and accordingly the said number was re-assigned to a subsequent complaint that was given by 3rd parties. Therefore, there is absolutely no error that is committed by the respondent authorities. In any event, this petitioner is an interloper and has also given a threat to the respondent police demanding ransom from the concerned individuals and the said audio conversation has already been recorded and a case in Crime No.171 of 2025 is registered against the petitioner.

6. In reply thereof, the learned counsel for the petitioner would object to the appearance of the Additional Solicitor general and would submit that a Special Public Prosecutor should be appointed as per the provisions of the BNSS. He would also submit that the petitioner has filed the petition, only in the interest of bringing out the truth and any person can set the criminal law in motion.



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7. I have considered the rival submissions made on either side and perused the material records in the case.

8. The prayer in this petition is not to set the criminal law in motion, where even a third party can file any complaint. This is with reference to the transfer of investigation in the particular Crime No.141 of 2019. As on date, it is represented on behalf of the respondent that the case is deleted and subsequently the number has been re-assigned and the concerned defacto complainant has not challenged the course of action.

9. In any event, it is also brought to the notice of this Court that the concerned three files have been subsequently traced and charge sheet has been filed in the respective cases. Be that as it may, when the petitioner is unconnected to the case, what is projected by the petitioner about the error in the procedure, that is deleting of FIR and non closing of FIR, will fall within the realm of public interest litigation and as such cannot be entertained by this Court. Similarly, this Court cannot consider the counter allegations made as against the petitioner in this petition. Since the nature of relief that is prayed for is in the nature of Public Interest Litigation, this Criminal Original Petition cannot be entertained.



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WEB COPY 10. Accordingly, the criminal original petition is dismissed.

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NCC : Yes / No

To

1. The Director General of Police,
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Puducherry.
2. Deputy Inspector of General of Police,
Puducherry.
3. Central Bureau of Investigation,
Chennai Division,
Chennai.
4. The Senior Superintendent of Police,
Puducherry.
5. Circle Inspector of Police,
Grand Bazaar P.S
Puducherry.
6. Station House Officer,
Grand Bazaar P.S,
Puducherry.
7. The Government Pleader (Puducherry)

D.BHARATHA CHAKRAVARTHY.J.,



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