



WEB COPY



CrI.O.P.No.23926 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.23926 of 2025

Malarvizhi

... Petitioner

Vs.

1. The Superintendent of Police,
Villupuram District.
2. The Inspector of Police,
Arangandhanallur Police Station,
Dharmapuri District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 BNSS, to direct the first respondent to transfer the investigation to some other agency which is now pending in Crime No.141 of 2025 on the file of the second respondent.

For Petitioner : Mr.A.Arasu Ganeshan

For Respondents : Mr.R.Vinothraja
Government Advocate (Criminal Side)



Crl.O.P.No.23926 of 2025

WEB COPY

ORDER

The Criminal Original Petition has been filed seeking a direction to the first respondent to transfer the investigation in Crime No.141 of 2025 from the file of the second respondent to some other investigation agency.

2. It is the contention of the learned counsel appearing for the petitioner that based on the complaint lodged by the petitioner, who is the elected President of Kodhungal Village Panchayat, the second respondent registered a case against the accused persons in Crime No.141 of 2025 for the offence under Sections 296(b), 74 and 351(2) of BNS. However, they deliberately avoided registering the case under the SC/ST (POA) Act. Therefore, the petitioner sent a representation to the respondent Police to take action on the accused persons under the Special Act. Since, no action has been taken by the respondents, the petitioner has filed the present petition seeking transfer of investigation.

3. Heard both sides and perused the materials available on record.



Crl.O.P.No.23926 of 2025

WEB COPY

4. The nature of the allegations found in the First Information Report appears to be a dispute arising out of an ordinary quarrel. In such view of the matter, this Court do not find any merit in the petition seeking transfer of the case to some other agency. The Special Act cannot be invoked merely at the desire of the complainant, unless the allegations *prima facie* disclose such offence.

5. Accordingly, the Criminal Original Petition stands dismissed. However, the Investigating Officer is directed to conduct a fair enquiry, record the statements and if any offence under the Special Act is made out, then the investigation may be transferred to the Deputy Superintendent of Police of the jurisdiction concerned.

01.09.2025

ham

Neutral Citation: Yes/No

To

1. The Superintendent of Police,
Villupuram District.
2. The Inspector of Police,
Arangandhanallur Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court of Madras.

3/4



WEB COPY



Crl.O.P.No.23926 of 2025

N. SATHISH KUMAR, J.

ham

Crl.O.P.No.23926 of 2025

01.09.2025