



Crl.O.P.No.24423 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.24423 of 2025

*** (Redacted)

... Petitioner

Vs.

1. The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai – 600 004.

2. The Inspector of Police,
Pernampet Police Station,
Pernampet, Vellore District.

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

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code/528 BNSS, to direct to the first respondent to change over the investigation in so far relates to Crime No.133 of 2025 from the file of the second respondent to the third respondent on the basis of the written representation made by the petitioner on 09.06.2025.

For Petitioner : M/s.R.Hemalatha

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



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ORDER

The Criminal Original Petition has been filed seeking transfer of investigation pertaining to Crime No.133 of 2025 from the file of the second respondent to the file of the third respondent on the ground that the accused has not been arrested till date.

2. The crux of the allegation in the complaint is that on 16.05.2025, at about 10.00 p.m., some unknown person trespassed into the house of the de facto complainant/victim, committed rape on her and took away five sovereigns of her gold chain. Based on her complaint, a case in Crime No.133 of 2025 was registered for the offence under Sections 329(4), 296(b), 118(1), 351(3), 64(1) and 303(2) of BNS and Section 4 of the TNPHW (Amedment) Act.

3. The grievance of the petitioner is that the accused has neither been traced nor identified by the Investigating Agency. Accordingly, the present petition has been filed seeking transfer of the investigation to the third respondent.

4. It is the contention of the learned Government Advocate



(Criminal Side) that on the date of the alleged occurrence, it was raining

WEB COPY heavily. Further, CCTV cameras were not available within the radius of three hundred metres and the images captured outside the coverage area could not be verified due to the rain. It is further submitted that the doubt raised by the victim against her neighbour was thoroughly investigated and a DNA test was conducted, which resulted negative. Approximately, 220 numbers within the tower limit were verified. He further submitted that the Investigating Officer has made every efforts to identify the accused.

5. Heard both sides and perused the materials available on record including the Case Diary produced before this Court today, pursuant to the directions issued by this Court on 08.09.2025.

6. A perusal of the records shows that this is not the case where the Investigating Officer has failed to take action. On the contrary, sincere and genuine efforts have been made to trace the accused and the investigation has been conducted in a scientific manner. However, the accused could not be identified, as the occurrence took place in the night hours and CCTV cameras were not available within the vicinity of the victim's house. Hence, the identity of the accused could not be established. Though the de facto



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complainant had raised suspension against her neighbour, the investigation

in that regard was also conducted properly.

7. In such view of the matter, merely because the accused has not identified or arrested, the investigation cannot be transferred to another agency, as the Investigating Officer has conducted the investigation in a fair manner. The Investigating Officer shall continue the investigation and make all efforts to procure the accused. The investigation shall be monitored by the Deputy Superintendent of Police of the jurisdiction concerned.

8. With the above directions, the Criminal Original Petition stands dismissed.

09.09.2025

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Neutral Citation: Yes/No



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3. The Inspector of Police,
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4. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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