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Crl.O.P.No.25899 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No. 25899 of 2025

D.Ramesh

... Petitioner

Vs.

1. The Superintendent of Police,
Villupuram District,
District Police Office,
Master Plan Complex,
Villupuram – 605 602.
2. The Assistant Superintendent of Police,
Villupuram District,
District Police Office,
Master Plan Complex,
Villupuram – 605 602.
3. The Sub Inspector of Police,
Villupuram Taluk Police Station,
East Shanmugapuram Colony,
Villupuram – 605 602.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to issue a direction directing the 1st respondent to transfer the investigation in Crime No.191 of 2025 (on the file of the 3rd respondent Police) to Inspector of Police, District Crime Branch, Villupuram to investigate the same in accordance with law.



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For Petitioner : Mr.A.P.Surya Prakasam
For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the first respondent-Police to transfer the investigation in Crime No.191 of 2025 (on the file of the 3rd respondent Police) to Inspector of Police, District Crime Branch, Villupuram to investigate the same in accordance with law.

2. According to the petitioner, while he was travelling in a Bus bearing No.TN 32 N 4642 in the early morning, the accused persons had abused him in filthy language and also assaulted him. Subsequently, a case in Crime No.191 of 2025 was registered for the offences punishable under Sections 294(b) and 323 of BNS, as per the directions of the learned Judicial Magistrate, Villupuram in C.M.P.No.283 of 2025 filed under Section 175(3) of BNSS. However, the investigating officer instead of conducting a proper investigation, had closed the FIR as 'mistake of fact' by indicating the different bus number. Hence, the present petition.

3. The learned Government Advocate (Crl.Side) appearing for the respondents-Police, on instructions, submitted that on completion of



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investigation, a negative final report has been filed by the respondent-Police, holding that there was no material to show that the petitioner travelled in Bus in question, on the date of alleged occurrence. He further submitted that RCS notice was also served on the complainant.

4. In such view of the matter, this Court is of the view that there is no requirement to transfer the investigation to some other agency. The petitioner is at liberty to file a protest petition before the concerned jurisdictional Court to substantiate his stand and on such filing, the Magistrate concerned, shall decide the same on merits and in accordance with law.

5. With the above directions, this Criminal Original Petition is dismissed.

22.09.2025

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

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District Police Office,
Master Plan Complex,
Villupuram – 605 602.
3. The Sub Inspector of Police,
Villupuram Taluk Police Station,
East Shanmugapuram Colony,
Villupuram – 605 602.
4. The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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