



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 28386 of 2025

and

CRL MP No. 20588 of 2025

M/s.GESM Environment Services Pvt Ltd.,
Rep by its Director
Sri.M.Vimal,
No.2/3, Bowden Street,
Cooks Road,
Chennai.

Petitioner

Vs

The State Rep By,
The Sub-Inspector of Police
P2-Otteri Police Station,
Chennai.

Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to transfer investigation in the FIR No.896/2022, pending on the file of the Sub Inspector of Police, P2. Otteri Police Station, Chennai. 12, to any one of the Superior Officer at Chennai, to conduct an impartial investigation and to file the final report before the trial court.

For Petitioner: Mr.S.Kanniah



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For Respondent: Mr.K.M.D.Muhilan
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking transfer of investigation in FIR No.896 of 2022 pending on the file of the Sub-Inspector of Police, P2, Otteri Police Station, Chennai-12 to any other superior officer to conduct an impartial investigation and file the final report.

2. When the case was taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent would submit that based on the direction from the learned X Metropolitan Magistrate, Egmore in CrI.M.P.No.33388 of 2022 dated 20.10.2022, the case in Crime No. 896 of 2022 was registered by the respondent police. After conducting the investigation, the first respondent has referred the case as mistake of fact and RCS notice has also been served on the complainant on 19.07.2024.

3. When the investigation of the case has already been completed and the case has been closed as mistake of fact, the prayer seeking transfer cannot be sustained. However, liberty is granted to the petitioner to challenge the final report in the manner known to law before the appropriate forum.



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4. With the above observation, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

21-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Sub Inspector of Police,
P2-Otteri Police Station,
Chennai-12.

2. The X Metropolitan Magistrate,
Egmore

3. The Public Prosecutor
High Court of Madras



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A.D.JAGADISH CHANDIRA J.

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