



Crl.O.P.(MD)No.657 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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Desingurajan

... Petitioner

Vs.

1.The State of Tamil Nadu, Rep. by
The District Superintendent of Police,
O/o. the District Superintendent of Police,
Trichy,
Trichy District.

2.The Deputy Superintendent of Police,
Thiruverumbur,
Trichy District.

3.The Inspector of Police,
Manikandam,
Trichy District.
(Crime No.137 / 2024)

4.The Inspector of Police,
CBCID,
Trichy,
Trichy District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to transfer the investigation in connection with Crime No.137 of 2024 from the file of the third respondent to CBCID / 4th respondent or



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any other independent investigating agency under the supervision of the first respondent and complete the investigation and consequently, take necessary action within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.A.Joel Paul Antony

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal side)

ORDER

The petitioner has filed this Criminal Original Petition seeking a direction to transfer the investigation in connection with Crime No.137 of 2024 from the file of the third respondent to CBCID / 4th respondent or any other independent investigating agency under the supervision of the first respondent and complete the investigation and consequently, take necessary action within a time frame as may be fixed by this Court.

2. The learned counsel for the petitioner submits that the petitioner's father was tragically involved in an accident on 27.09.2024, caused by the sudden stop of a Tata Ace Load Auto driven by the 24-year-old Ayyappan. The petitioner's father, riding his two-wheeler at a slow speed, collided with the rear of the Tata Ace and sustained severe



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head injuries. Unfortunately, he passed away on 12.10.2024 due to the injuries sustained in the accident.

3. The learned counsel for the petitioner further submits that, despite the seriousness of the incident and the fact that the petitioner's father was critically injured, the third respondent police failed to take timely action. They came to the hospital on 28.09.2024, but did not register an F.I.R. or initiate an investigation. Despite the petitioner's efforts to submit a formal complaint both in person and online on 29.09.2024, no case was registered against the driver of the Tata Ace Load Auto, and instead, a case was falsely registered against the petitioner's father, who was the victim in this incident.

4. The learned counsel for the petitioner emphasizes that the third respondent police, under undue influence of the politically and financially powerful accused, wrongfully registered a case against the petitioner's father. The police failed to conduct a proper investigation or register a case based on the facts of the accident. The learned counsel for the petitioner submits that this wrongful registration is an attempt to shield the accused from legal consequences.



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5. The learned counsel for the petitioner further submits that despite submitting multiple representations on 24.10.2024 and 30.12.2024, urging the authorities to take action against the accused and transfer the investigation to an independent agency, no action has been taken by the respondents.

6. The learned counsel for the petitioner further submits that, in addition to the wrongful registration of the case, the accused has threatened the petitioner with harm, creating a dangerous and hostile environment for the petitioner. The failure of the police to act appropriately has left the petitioner vulnerable to such threats, exacerbating the distress and trauma caused by the loss of the petitioner's father. Hence, the petitioner seeks a fair and impartial investigation into the incident, independent of any political or financial influence. Therefore, the learned counsel prayed that the investigation be transferred to an independent agency to ensure transparency and fairness. The learned counsel further requests that the respondents be directed to register an appropriate F.I.R. against the accused and take necessary action to protect the petitioner from any further harm or threats and also



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seeks a direction to the first respondent to register a proper F.I.R., conduct a thorough and unbiased investigation, and transfer the investigation to an independent agency. The learned counsel also prays that this Court ensures the safety and security of the petitioner, who has been subjected to threats, and that appropriate action be taken against the accused person to prevent any further harm.

7. The learned Government Advocate (Criminal side) appearing for the respondents, on instructions, would submit that the first respondent would consider the representations of the petitioner, dated 24.10.2024 and 30.12.2024 and pass appropriate orders on merits and in accordance with law.

8. Considering the facts and circumstances of the case, and without delving into the merits of the issue, this Court directs the first respondent to consider the representations submitted by the petitioner on 24.10.2024 and 30.12.2024, collect and verify CCTV footage available and to take appropriate action in accordance with law and to inform the petitioner of the action taken on the representations and complaint within a period not exceeding 30 days from the date of receipt of a copy of this order. The



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third respondent police to take necessary steps to ensure the safety and security of the petitioner, especially in light of the threats made by the accused, and to provide appropriate protection as required. Accordingly, this Criminal Original Petition is disposed of.

NCC : Yes / No
Index : Yes / No
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10.01.2025

To

- 1.The District Superintendent of Police,
O/o. the District Superintendent of Police,
Trichy,
Trichy District.
- 2.The Deputy Superintendent of Police,
Thiruverumbur,
Trichy District.
- 3.The Inspector of Police,
Manikandam,
Trichy District.
- 4.The Inspector of Police,
CBCID,
Trichy,
Trichy District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
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