



Crl.O.P.(MD)No.800 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.800 of 2025

A.Mohamed Apsal Khan

... Petitioner

Vs.

- 1.The State rep., by
The Superintendent of Police,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
Pudupatti, Thiruppathur Taluk,
Sivagangai District.
- 3.The Inspector of Police,
Thiruppathur Police Station (L&O),
Thiruppathur, Sivagangai District.
Crime No.100 of 2024
- 4.The Inspector of Police,
CBCID-Sivagangai District,
Sivagangai.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent to transfer the investigation in connection with Crime No.100 of 2024 pending on the file of the third respondent to the fourth respondent or any other competent investigation agency based on the petitioner's representation dated 04.01.2025.



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For Petitioner : Mr.H.Mahamed Hussain

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioner/defacto complainant, on whose complaint case in Crime No.100 of 2024 has been registered on 16.04.2024 for the offences under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC against four persons, had filed this petition seeking transfer of investigation. The primary contention of the petitioner is that in this case accused had attacked the petitioner and the petitioner had also named all seven persons in his complaint, but the respondent police for the reason best known had left out three persons' name. Further, injuries sustained by the petitioner are grievous in nature, but the FIR had not been registered any serious offence. He further submitted that earlier A1 Santhosh and one Ramu had attacked the petitioner, for which, case in Crime No.39 of 2023 for the offences under Sections 341, 294(b), 324 and 506(2) of IPC was registered. On completion of investigation, charge sheet has been filed in C.C.No.42 of 2023, on their appearance on 13.05.2022 before the Principal District cum Judicial Magistrate Court, Thirupathur, the accused had pleaded guilty and there was only



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sentence of fine of Rs.5,000/- each was imposed. Further emboldened the accused, the petitioner had again been attacked and the respondent police are in complacent with the accused. Hence, the petitioner has lost faith in taking investigation by the third respondent and filed this transfer petition.

2. The learned Additional Public Prosecutor submitted that after registration of case in Crime No.100 of 2024, there is no worthwhile investigation so far conducted. He has not disputed that A1 in this case namely Santhosh had pleaded guilty for the offence committed against the defacto complainant on 13.05.2023 in C.C.No.42 of 2023. He fairly submitted that investigation can be monitored by the Senior Officer.

3. Considering the submission and perusal of the materials, it is seen that the petitioner was brutally attacked not once. Earlier, on 03.04.2023, case in Crime No.39 of 2023 was registered and thereafter, again he was attacked on 16.04.2024 and the case in Crime No.100 of 2024 was registered. A1 is common in both cases and further, A1 and one Ramu had pleaded guilty in Crime No.39 of 2023, which was culminated in C.C.No.42 of 2023 and he had paid fine and he had been



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left. Thereafter, again the second attack had taken place. In view of the same, this Court finds that investigation to be carried out by Senior Officer. Accordingly, case in Crime No.100 of 2024 is hereby transferred to the file of Deputy Superintendent of Police, Thirupathur. The Inspector of Police, to submit case diary and papers to the Deputy Superintendent of Police within two weeks. Thereafter, the Deputy Superintendent of Police shall conduct investigation.

4. With the above direction, this Criminal Original Petition is allowed.

20.01.2025

NCC : Yes / No

Index : Yes / No

Rmk

To

- 1.The Superintendent of Police,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
Pudupatti, Thiruppathur Taluk,
Sivagangai District.
- 3.The Inspector of Police,
Thiruppathur Police Station (L&O),
Thiruppathur, Sivagangai District.
Crime No.100 of 2024



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4.The Inspector of Police,
CBCID-Sivagangai District,
Sivagangai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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