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Crl.O.P.(MD)No.1039 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1039 of 2025

Saraswathi

... Petitioner

Vs

1. The State of Tamilnadu,
Rep By, The Superintendent of Police,
Trichy District.

2. The Deputy Superintendent Of Police,
Lalgudi Sub Division,
Trichy District.

3. The Inspector of Police,
Kanakiliyanallur Police Station,
Trichy District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the 1st respondent to change the present investigation officer in Cr.No.153 of 2024 on the file of 2nd respondent from to any other competent officer within jurisdiction of same district based on petitioner representation, dated 23.12.2024.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to change the present investigation officer in Cr.No.153 of 2024 on the file of 2nd respondent from to any other competent officer within jurisdiction of same district based on petitioner representation, dated 23.12.2024.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police. Perused the materials available on record.

3.The contention of the petitioner is that the petitioner, who is a defacto complainant gave a complaint in Cr.No. 153 of 2024 had been registered for the offence punishable under Sections 191(1), 329(4), 296(b), 115(2), 324(4), 351(2) BNS Act 2023 and Sections 3(1)(r), 3(1)(s), 3(1)(d), 3(1)(z), 3(2)(va) of SC/ST (Prevention of Atrocities Act), 1989 filed this petition. The respondent police has not conducted investigation in a proper manner and no action has been taken. Due to the inaction of the police, the defacto complainant and her sons were assaulted and the property was damaged. The petitioner is ready to prove the real role



played by each of the accused. However, the 2nd respondent is unable to receive the materials from the petitioner. At the time of considering the relaxation petition filed by the accused persons, it was stated that in this case investigation has been completed. The respondent police will conclude the investigation, without enquiring the petitioner and receiving the materials from the petitioner. Hence, this petition has been filed seeking transfer of investigation.

4.The learned Additional Public Prosecutor submitted that the grounds raised at the time of relaxation petition cannot be a ground to seek transfer of investigation. The petitioner can very well appear before the 2nd respondent and submit all her supported documents and statements to prove her contention.

5.In response, the learned counsel for the petitioner submitted that the petitioner is ready to submit all the documents before the 2nd respondent on 31.01.2025.

6.In view of the aforesaid submission, the petitioner is directed to appear before the 2nd respondent on 31.01.2025 at 11 a.m and



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submit all the relevant documents before the 2nd respondent. The 2nd respondent is directed to conduct investigation in a proper manner and conclude the same by filing final report before the concerned Court within a period of two months from the date of appearance of the petitioner.

7. With the above directions, the petition stands disposed of.

22.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PNM

To

1. The Superintendent of Police,
Trichy District.

2. The Deputy Superintendent Of Police,
Lalgudi Sub Division,
Trichy District.

3. The Inspector of Police,
Kanakiliyanallur Police Station,
Trichy District.

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



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M.NIRMAL KUMAR,J.

PNM

ORDER IN
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22.01.2025