



Crl.O.P.(MD)No.2191 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.2191 of 2025

Mathiyalagan

.. Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Thanjavur District

2. The Inspector of Police
Elumalai Police Station
Madurai District

3. Ukkirapandi

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,to direct the first respondent to transfer the investigation in Crime No. 2 of 2025 from the second respondent to some other investigation agency by considering the petitioner's representation dated 24.01.2025.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : Mr.R.M.Anbunithi
No.1 and 2 Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the first respondent to transfer the investigation in Crime No. 2 of 2025 from the second respondent to some other investigation agency by considering the petitioner's representation dated 24.01.2025.

2. The learned counsel appearing for the petitioner would submit that the petitioner owned property in S.No.100/10, 10/11,10/12,10/13A and 100/9 to an extent of 3 Acres and 52 cents in Jothilnayakanur Village, Usilampatti Taluk, Madurai District through sale deeds dated 30.11.2021 and 14.06.2023. The said property was taken care by one Thavasi Thevar who belongs to Erumapatti Village, Usilampatti Taluk, Madurai District. While so the third respondent who is doing katta panchayat in and around the village demanded Rs.5,00,000/- from the petitioner and the same was refused by the petitioner. Thereafter on 31.12.2024 the third respondent along with five others entered into the land of the petitioner and damaged the motor electricity box and stolen the fuse carrier, therefore the petitioner had lodged complaint on 01.01.2025 before the second respondent. Again on 02.01.2025 they have stolen the fuse carrier hence



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another complaint was lodged on 03.01.2025 but the second respondent acted in favour of the third respondent and the same is also available in the CCTV footage available with the second respondent. The second respondent has not taken any steps to secure the accused. Therefore the petitioner had sent a representation dated 24.01.2025 seeking transfer of investigation of this case and the same has not been considered, hence he has filed the above petition.

3. The learned Additional Public Prosecutor appearing for the respondent police would submit that the allegations levelled against the second respondent are baseless. However the Deputy Superintendent of Police, Usilampatti, can monitor the investigation of this case and therefore the present petition is liable to be dismissed.

4. This Court perused the entire records. It is an admitted that the First Information Report has been registered recently and the investigation is in initial stage. At this stage the petitioner has filed this petition for transfer of investigation on the ground that the second respondent has not taken any steps to secure the accused. It is for the investigating officer to decide whether the arrest of accused is essential or not and merely the



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investigation officer has not arrested the accused this Court cannot transfer the case.

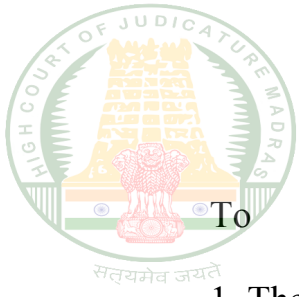
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5. In view of the representations made by the learned Additional Public Prosecutor and considering the facts and circumstances of the case, it is appropriate to direct the Deputy Superintendent of Police, Usilampatti to monitor the investigation of the case in Crime No. 2 of 2025, accordingly ordered.

6. With the above direction, the Criminal Original Petition stands disposed of.

04.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Superintendent of Police
Office of the Superintendent of Police
Thanjavur District

2. The Deputy Superintendent of Police, Usilampatti

3. The Inspector of Police
Elumalai Police Station
Madurai District

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



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P.DHANABAL,J.

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