

Crl.O.P.(MD)No.2316 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.2316 of 2025

R.Thirupathiammal

.. Petitioner

Vs.

1. The Director General of Police
Dr.Radhakrishnan Road,
Mylapore, Chennai- 600 094
2. The Superintendent of Police
Virudhunagar District
Virudhunagar
3. The Deputy Superintendent of Police
Sivakasi, Virudhunagar District
4. The Inspector of Police
District Crime Branch
Virudhunagar District
5. The Inspector of Police
Mareneri Police Station
Virudhunagar District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the 1st respondent to order for a fresh investigation and transfer the same from the 5th respondent to any other competent investigation agency or preferably Central Bureau of Investigation for further investigation in Cr No.86 of 2016 which is pending before the fifth respondent.



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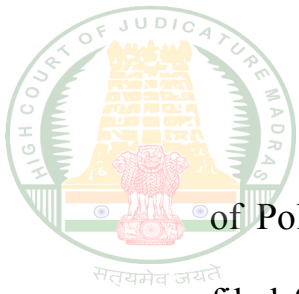
For Petitioner : Mr.J.Selvin Rajesh
for M/s.Dictum Law Firm

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation of the case in Crime No.86 of 2016 on the file of the fifth respondent to any other competent investigation agency or preferably Central Bureau of Investigation for further investigation.

2. The learned counsel appearing for the petitioner would submit that the petitioner married one Raj and he was working as a labour contractor and he was murdered by some unknown persons on 09.04.2016 and looted a sum of Rs.14,77,000/-Immediately she lodged a complaint before the Inspector of Police, Maraneri Police Station, Virudhunagar District and First Information Report has been registered in Crime No.86 of 2016 for the offences under Sections 397r/w.302 of IPC. Thereafter the respondent police have not conducted investigation and already the petitioner filed a petition before this Court in Crl.O.P(MD)No.12374 of 2022 and this Court also directed the fifth respondent to file final report within six months and thereafter the case was transferred to the Inspector



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of Police, District Crime Branch, Virudhunagar District. Thereafter they filed final report and referred the First Information Report as undetected and closed the same, therefore he has filed a petition to transfer the case for further investigation.

3. The learned Government Advocate(Crl.side) appearing for the respondents filed counter stating that investigation was completed and thereby they are unable to find out the real accused and hence the case was referred as undetected. Since the offences are grave in nature and the respondent police also unable to trace the real accused closed the case. Considering the serious nature of offences special investigation team was appointed and they enquired number of witnesses . However no leads was obtained to proceed the case. Further the investigation is referred at present. If any leads are obtained to proceed the case they will proceed further.

4. This Court heard both sides and perused the records.

5. The prayer of the petitioner is to transfer the case from the file of the fifth respondent to some other agency on the ground that the present



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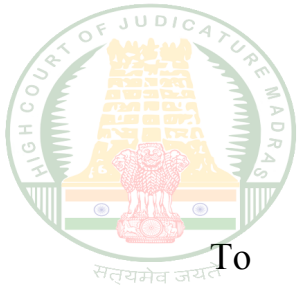
investigating agency unable to find out the accused and not conducted effective investigation. The respondents also admitted that they are unable to find out the accused and thereby they referred the investigation at present. Since the offences are grave in nature the present investigation officer is unable to trace out the accused, for the present they closed the investigation, thereby it is appropriate to transfer the investigation from the present investigating agency and hand over the same to the CBCID of the concerned District

6. Accordingly the third respondent is directed to withdraw the investigation of the case in Crime No.86 of 2016 from the file of the fourth respondent and hand over the investigation to the CBCID of the concerned district within one month from the date of receipt of a copy of this order.

7. With the above said observation and direction, the Criminal Original Petition stand allowed.

28.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Virudhunagar District
5. The Inspector of Police
Mareneri Police Station
Virudhunagar District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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