



Crl.O.P.(MD).No.2392 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

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THE HONOURABLE **MR.JUSTICE P.DHANABAL**

Crl.O.P(MD)No.2392 of 2025

and

Crl.M.P.(MD).No.1659 of 2025

M.Ramesh
S/o.Late.Muniyandi

... Petitioner

Vs

1. The State of TamilNadu rep. by
The Director General of Police,
No.1, Radhakrishnan Road,
Mylapore.

2. The Inspector General of Police,
South Zone Office,
No.77, Ramaond Reserve line,
Race Course Colony,
Madurai-625 002.

3. The Superintendent of Police,
O/o. Superintendent of Police,
Virudhunagar District.

4. The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.

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5. The Sub-Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.

6. Muthuraja

... Respondents

PRAYER: Criminal Original petition filed under Section 528 of BNSS Act, to direct the 3rd respondent to transfer the case in FIR No.219/2024 pending on the file of the fourth respondent to the file of CBCID or to any other competent officer to conduct further investigation properly and to proceed the same as per law.

For Petitioner : Mr.G.M.Arumugam

For Respondent Nos.1 to 5 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the 3rd respondent to transfer the case in FIR No.219/2024 pending on the file of the fourth respondent to the file of CBCID or to any other competent officer to conduct further investigation properly.

2. According to the petitioner, the Defacto-complainant lodged a complaint on 04.08.2024. But, the FIR has been registered only on 06.08.2024 for the offences punishable under sections 296(b), 115(2) and



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Section 351(2) of BNSS, 2023 in Crime No.219 of 2024. Already a civil suit is pending in O.S.No.5 of 2023 on the file of Additional District Munsif Court, Virudhunagar. The petitioner was hospitalized from 04.08.2024 to 20.08.2024 and thereafter he is also taking continuous treatment. The occurrence was happened on 04.08.2024 and the sixth respondent came to hospital and enquired the petitioner and failed to register the case immediately. The respondent police registered FIR by distorting the facts as if the petitioner was assaulted by hands and thereby he was fell down and thereby sustained injuries. The fifth respondent also threatening the petitioner to withdraw the above said civil suit. Wantonly the respondent police delayed two days and registered the case belatedly. Therefore, if the case is investigated by the present officials, the petitioner cannot get proper remedy. Hence, he seeks to transfer of this case to CBCID.

3. The learned Government Advocate (Crl.Side) appearing for the Respondent Nos.1 to 5 would submit that they received intimation on 04.08.2024 and thereafter went to the Aruppukottai Government Hospital by 12.00p.m and thereafter they registered the case on 06.08.2024. There is no delay on the part of the respondent police. However, the sixth



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respondent was the investigating officer and now he was transferred to some other place. Thereafter, the case is under investigation by the Inspector of Police, Aruppukottai Town Police Station. Therefore, the prayer sought for in this petition has become infructuous.

4. Heard both sides and perused the materials available on record.

5. According to the petitioner the sixth respondent wantonly delayed to register FIR. Though, he recorded statement on 04.08.2024, but registered the case only on 06.08.2024, and also he manipulated some records. According to the respondents they denied the said allegations. However, the sixth respondent herein was transferred to some other place and now the case is under investigation by the Inspector of Police, Aruppukottai Town Police Station.

6. In view of the above said facts, this Court is of the view that it is appropriate to direct the Inspector of Police, Aruppukottai to conduct investigation in a fair manner and to file final report within the statutory period. Further, the third respondent/Superintendent of Police is directed to monitor the progress of the investigation.



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7. With the above said observations and directions, this Criminal original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

07.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
gvn

To

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