



Crl.O.P.(MD)No.2257 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.2257 of 2025

S.Shanmughavel

.. Petitioner

Vs.

1. The Superintendent of Police
Ramanathapuram District
2. The Deputy Superintendent of Police
Kamuthi Taluk
Ramanathapuram District
3. The Inspector of Police
Kamuthi Police Station
Ramanathapuram District
4. The Sub Inspector of Police
Kamuthi Police Station
Ramanathapuram District
5. The Inspector of Police
CBCID, Ramanathapuram District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to withdraw and transfer the investigation in Crime No. 339 of 202 pending on the file of the fourth respondent and to entrust the same to the fifth respondent herein with a direction to investigate the matter in accordance with law.



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For Petitioners : Mr.Jus Remedium

For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to withdraw and transfer the investigation in Crime No. 339 of 2024 pending on the file of the fourth respondent and to entrust the same to the fifth respondent herein with a direction to investigate the matter in accordance with law.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the defacto complainant in this case and he lodged complaint as against the accused but the fourth respondent without including all the accused and without taking steps to recover the JCB and without conducting proper enquiry registered a case by omitting certain provisions of law. The fourth respondent is acting in favour of the accused and hence the investigation has to be transferred either to the fifth respondent or any other investigating agency.

3. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that after registration of case in Crime No.339



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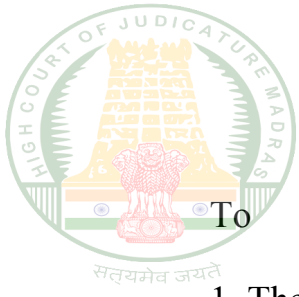
of 2024 they conducted investigation and included some other accused and also altered the provisions of law and the JCB was also recovered and they will produce the JCB before the concerned Court. Since the investigation is going on in a proper manner and the sections were also altered there is no necessity to transfer the case from the file of the fourth respondent to fifth respondent. At the same time, the second respondent can monitor the investigation of the case of the third respondent.

4. In view of the submission made by the learned Government Advocate (Crl.Side) this Court directs the third respondent to investigate the case in a fair manner and file final report within the time stipulated by the act in accordance with law.

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

18.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Ramanathapuram District
4. The Sub Inspector of Police
Kamuthi Police Station
Ramanathapuram District
5. The Inspector of Police
CBCID, Ramanathapuram District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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