

Crl.O.P(MD)No.2663 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.2663 of 2025

Sivaram Ganesh

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Deputy Superintendent Of Police,
Rajapalayam Division,
Virudhunagar District.

3. The Inspector of Police,,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No. 106 of 2025).

4. Karuppaiah

5. Minnal Kannan

6. Mosaik Kannan

7. Dinesh

... Respondents



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PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to directing the 1st respondent to transfer the investigation of case Crime No. 106 of 2025 registered dated 25.01.2025 from the third respondent police to some other investigation agency on the basis of petitioners representation dated 27.01.2025 within stipulated time as fixed by this Court.

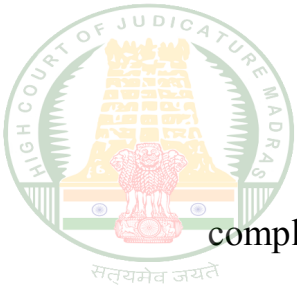
For Petitioner : Mr.T.Indrachithu,

For R1 to R3 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to transfer the investigation in the case in Crime No. 106 of 2025, dated 25.01.2025 from the file of the third respondent police to some other investigation agency on the basis of petitioner's representation dated 27.01.2025.

2.The learned Counsel for the petitioner would submit that the petitioner is the defacto complainant in this case and he lodged the



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complaint to the third respondent as against the private respondents for the abduction and threats made by the accused. The third respondent police failed to register the case for appropriate sections and only registered the case for the offence under Sections 296(b), 115(2) and 351(2) of BNS. There is no section was added for abduction and the grievous injuries sustained by the petitioner. Therefore, the case has to be transferred to some other investigation agency.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that in this case, the petitioner himself drove the car and based on the averments made in the complaint the respondent police registered the FIR for the appropriate sections. If any sections omitted and if the petitioner produces some records, then the respondent police will take appropriate steps to add the relevant sections in the case.

4.Since the prayer is to transfer the investigation and there are no valid grounds to transfer the case and only the grievance of the petitioner is that the respondent police have not registered the case for appropriate offences and the third respondent also assured to investigate the case in a



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fair manner and if any materials produced by the petitioner, the respondent police would consider the same in accordance with law.

5.Recording the submission made by the learned Government Advocate (Crl.Side), this Criminal Original Petition is closed.

17.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To

1. The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Deputy Superintendent Of Police,
Rajapalayam Division,
Virudhunagar District.

3. The Inspector of Police,,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No. 106 of 2025).

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



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P. DHANABAL, J.

LR

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