



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2025

CORAM

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

Crl.O.P(MD)No.3026 of 2025

1. Alwin @ P.Alban
2. Leon
3. Anthony

... Petitioners

Vs

1. The State of Tamilnadu,
Rep. by the Superintendent of Police,
Kanniyakumari District at Nagercoil.
2. The Deputy Superintendent Of Police,
Thuckalay Range,
Kanniyakumari District.
3. The Inspector of Police,
Kotticode Police Station,
Kanniyakumari District.
4. Marykala

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the 1st respondent police to transfer the investigation in Crime No. 05/2025 dated 07.01.2025 from the file of the 3rd respondent to any other investigating agency under the supervision of the 1st respondent.



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For Petitioner : Mr.D.SenthilKumar
M/s.Aran Legal Consultancy,

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

ORDER

This Criminal Original Petition has been filed seeking a direction to the first respondent police to transfer the investigation in Crime No. 05 of 2025 dated 07.01.2025 from the file of the third respondent to any other investigating agency under the supervision of the first respondent.

2.According to the petitioner, he has lodged a complaint before the Kotticode Police Station against one Marykala and her relatives, for which, an FIR in Crime No.6 of 2025 was registered for the offence under Sections 191(2), 126(2), 296(b), 115(2) and 351(2) of BNS. Similarly, based on the complaint given by the said Marykala, an FIR in Crime No.5 of 2025 was also registered for the offences under Sections 126(2), 296(b), 118(1) and 351(2) of BNS and Section 4 of TNPHW Act. While so, the



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third respondent did not take any steps to secure the accused persons and investigation in this case has not been conducted in a proper manner. Hence this petition has been filed.

3.The learned Government Advocate (CrI.Side) appearing for the respondent police would submit that already in the counter case, this Court directed the third respondent to conduct the investigation in a fair manner and also directed the second respondent to monitor the investigation. Since this case is also the counter case to that case, the same order may be passed in this case also.

4.Considering the limited scope of prayer sought for in this petition, this Court, even without issuing notice to the private respondent, is inclined to dispose of this petition.

5.It is an admitted fact that already in the counter case, this Court had directed the third respondent to conduct fair investigation. Therefore, this Court directs the third respondent to conduct the investigation in a fair manner and the second respondent also directed to monitor the investigation of the case.



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6. With the above directions, this Criminal Original Petition is disposed of.

19.02.2025

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

To

1. The State of Tamilnadu,
Rep. by the Superintendent of Police,
Kanniyakumari District at Nagercoil.
2. The Deputy Superintendent Of Police,
Thuckalay Range,
Kanniyakumari District.
3. The Inspector of Police,
Kotticode Police Station,
Kanniyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

LR

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