

CRL.OP(MD) NO.2976 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.2976 of 2025

Alwin @ P.Alban

... Petitioner/defacto complainant

vs.

1.The Superintendent of Police,
Kanniyakumari District.

2.The Deputy Superintendent of Police,
Thuckalay Range,
Kanniyakumari.

3.The Inspector of Police,
Kotticode Police Station,
Kanniyakumari.

... 3rd Respondent/complainant

4.Marykala

5.Donbosco

6.Selvin

7.Xavierdhas

8.Johnrose

9.Francis

10.Therasammal

... Respondents 4 to 10/ Accused 1 to 7

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to direct the first



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respondent police to transfer the investigation in Crime No.06 of 2025 dated 07.01.2025 on the file of the third respondent to any other investigating agency under the supervision of the first respondent.

For petitioner : Mr.Sivabalan
for M/s.Aran Legal Consultancy

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

ORDER

This petition has been filed by the petitioner to direct the first respondent to transfer the investigation in Crime No.6 of 2025, dated 07.01.2025, on the file of the third respondent to another investigation agency under the supervision of the first respondent.

2. The learned counsel for the petitioner would submit that the petitioner is the defacto complainant in Crime No.6 of 2025, for the offences under Sections 191(2), 120(2), 296(b), 115(2) and 351(2) of Bharatiya Nyaya Sanhita, 2023. The fourth respondent also lodged a complaint against the defacto complainant and based on that, an FIR has been registered in Crime No.5 of 2025, for the offences under Sections 126(2), 296(b), 118(1) and 351(2) of Bharatiya Nyaya Sanhita, 2023, read



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with Section 4 of the Tamil Nadu Prohibition of Harassment of Women

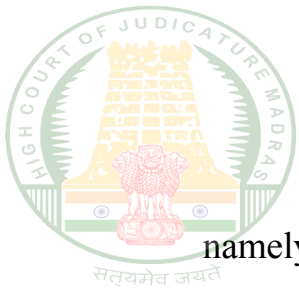
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Act, 1998. While so, the third respondent police insisted the petitioner to withdraw the complaint and thereby, he filed his petition to transfer the case from the third respondent to some other investigation Agency.

3. The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3 would submit that two cases were registered against the petitioner and the fourth respondent in Crime Nos.5 of 2025 and 6 of 2025, respectively. Both the cases are under investigation by the Investigating Officer. Further, the said allegation is not in specific as against the particular officer and they are vague allegations made by the petitioner as against the Investigating Officer.

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

5. Since there is no any specific allegation as against the particular officer and there are only vague allegations levelled against the Investigating Officer, this Court, without even issuing notice to the private respondents, is inclined to dispose of the petition by directing the third respondent to conduct fair investigation and second respondent,



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namely, the Deputy Superintendent of Police, Thuckalay, Nagercoil, to
monitor the investigation.

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

18.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1.The Superintendent of Police,
Kanniyakumari District.

2.The Deputy Superintendent of Police,
Thuckalay Range,
Kanniyakumari.

3.The Inspector of Police,
Kotticode Police Station,
Kanniyakumari.

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



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P.DHANABAL,J

apd

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