



CrI.O.P.(MD)No.3309 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :24.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

CrI.O.P.(MD)No.3309 of 2025

S.Abdul Kalam Asath

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Superintendent of Police,
Thanjavur,
Thanjavur District.

2. The Inspector of Police,
Thiruvayaru Police Station,
Thanjavur,
Thanjavur District.

3. The Inspector of Police,
CBCID,
Thanjavur,
Thanjavur District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 / under Section 482 of Cr.P.C, to withdraw Crime No. 591/2024 for offences under Sections 379, 406, 420, 417, 467, 468, 471, 102, 506(2), 109, 34 of IPC from the file of 2nd respondent and transfer to the file of 3rd respondent for any other competent investigating officer to complete the investigation within time frame.



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For Petitioner : Mr.Surliraja

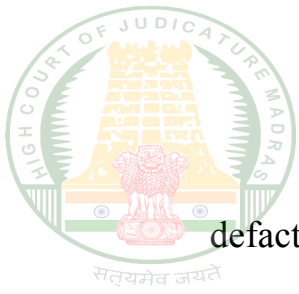
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition is filed by the petitioner to transfer the case in Crime No.591 of 2024 on the file of 2nd respondent to entrust the investigation of the case to the 3rd respondent.

2. According to the petitioner, he is the defaco complaint in this case and based on his complaint, an F.I.R has been registered in Crime No.591 of 2024 for the offences under Sections 379, 406, 420, 417, 467, 468, 471, 102, 506(2), 109 and 34 of IPC. Thereafter, no proper investigation has been conducted by the 2nd respondent and not even arrested the prime accused and the offences took place while the documents are under the custody of the Court in O.S.No.216 of 2013 before the District Munsif Court, Thiruvayaru. Therefore, in order to conduct a fair investigation, the case has to be transferred from the 2nd respondent and to be entrusted to the 3rd respondent.

3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that based on the complaint given by the



defacto complainant, a case has been registered in Crime No.591 of 2024 for the offences under Sections 379, 406, 420, 417, 467, 468, 471, 102, 506(2), 109 and 34 of IPC and now the case is under investigation. In this case, A1 is the prime accused; he was absconding, A4 is an Advocate who filed the case on behalf of the A1, A2 is the wife of A1 and A3 is the subsequent purchaser. A1 was arrested today and they are taking appropriate steps to expedite the investigation. There is no any delay and there is no any bias on the part of the investigation officer and the investigation is going on in a fair manner, therefore the transfer of investigation in this case is not necessary. The allegations levelled against the petitioner are false allegations and therefore, this petition is liable to be dismissed.

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

5. According to the petitioner, he is the defacto complaint and the investigation in this case has not been conducted in a fair manner, therefore he seeks transfer. The only grievance of the petitioner that none of the accused persons have been arrested so far and there is no speedy progress in the investigation and already the petitioner sent a representation dated 11.02.2025, but the same has not been considered. At the same time, the



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learned Government Advocate appearing for the respondents brought to the knowledge of this Court that already A1 was arrested and the investigation is going on and they are conducting investigation in a fair manner. The main ground raised by the petitioner that none of the accused are arrested has been complied by the respondents and today, A1 was arrested. In view of the same, this Court directs the 2nd respondent to conduct the investigation in a fair manner and complete the investigation within two months from the date of this Order and the 1st respondent has to monitor the investigation.

6. With the above said observations and direction, this Criminal Miscellaneous Petition is disposed of.

24.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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P. DHANABAL, J.,

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To

1. The Superintendent of Police,
Thanjavur,
Thanjavur District.
2. The Inspector of Police,
Thiruvayaru Police Station,
Thanjavur,
Thanjavur District.
3. The Inspector of Police,
CBCID,
Thanjavur,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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