



*Crl.O.P.(MD)No.3424 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**

Crl.O.P.(MD)No.3424 of 2025

Naveen

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,  
Thirupparankundram Sub Division,  
Madurai District.

3. The Inspector of Police,  
Nagamalai Pudukottai Police Station,  
Madurai District.  
Crime No. 16/2025.

... Respondents

**Prayer :** Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to transfer the investigation of the case in Crime No. 16/2025 on the file of the 3<sup>rd</sup> respondent to any other competent officer not below the Rank of Deputy Superintendent of Police and investigate further.

For Petitioner : Mr.M.Jegadeesh Pandian

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



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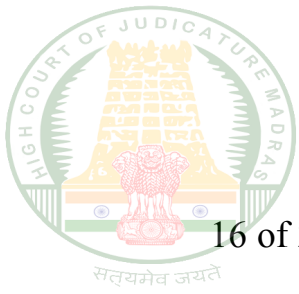
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### **ORDER**

This petition has been filed by the petitioner to transfer the investigation of the case in Crime No.16 of 2025 on the file of the 3<sup>rd</sup> respondent to any other competent investigation agency.

2. According to the petitioner, he is the defacto complainant and his son sustained grievous injuries on his head, thereby he lodged a complaint and based on the complaint, a case in Crime No.16 of 2025 for the offences under Section 296(b), 118(2) and 351(3) of BNS has been registered. In the mean time, the accused persons had threatened the petitioner's family to withdraw the case and the same was brought to the knowledge of the 3<sup>rd</sup> respondent, but the 3<sup>rd</sup> respondent have failed to take any action. Therefore, to ensure the fair investigation, the case has to be transferred from the 3<sup>rd</sup> respondent to any other competent authority.

3. The learned Government Advocate (Criminal) appearing for the respondents would submit that there is a land dispute between the adjacent land owners and thereby, they attacked each other and there is a case and case in counter has been registered against the parties. In this case, the son of the defacto complainant got head injury and registered F.I.R in Crime No.

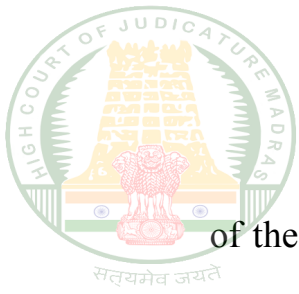


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16 of 2025 and a counter case also lodged and registered F.I.R as against the petitioner. In this case, already A3 got anticipatory bail before this Court and A1, A2 and A4 are still absconding and the respondent police are searching the other accused. Therefore, investigation is going on in a fair manner and they will complete the investigation. If the petitioner has any material, he can also produce the material before the investigation officer. The respondent police have not received any information about the second incident. If the petitioner submits any request, the same can be considered in accordance with law. Therefore, the present petition is liable to be dismissed.

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

5. The petitioner has filed this petition to transfer the investigation of this case from the 3<sup>rd</sup> respondent to some other investigation agency. The main grievance of the petitioner is that, after registration of the F.I.R, the accused persons once again threatened the petitioner and the same has been informed to the 3<sup>rd</sup> respondent, but they have not taken any action. Since the respondent police have disputed the receipt of complaint for the second incident, it is for the petitioner to lodge a fresh complaint and the same can be considered by the 3<sup>rd</sup> respondent. Only because of the non-consideration



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of the representation of the petitioner, the case cannot be transferred on the sole ground. Therefore, in view of the same, this petition is liable to be dismissed preserving the liberty of the petitioner to approach the 3<sup>rd</sup> respondent for the second incident. After receipt of any complaint, the 3<sup>rd</sup> respondent is directed to dispose the said complaint in the manner known to law on merits. Accordingly, this Criminal Original Petition is dismissed.

**24.02.2025**

NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

1. The Superintendent of Police,  
Madurai District,  
Madurai.
2. The Deputy Superintendent of Police,  
Thirupparankundram Sub Division,  
Madurai District.
3. The Inspector of Police,  
Nagamalai Pudukottai Police Station,  
Madurai District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**P. DHANABAL, J.,**

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