



Crl.O.P(MD)No.4360 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.4360 of 2025

B. Seenivasan

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2. The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to directing the respondents to transfer the investigation of the complaint given by the petitioner dated 10.01.2025 on the file of the second respondent/Seidunganallur Police Station to some other independent investigation agencies within the time stipulated by this Court.

For Petitioner : Mr. S.Ramsundarvijayraj

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



Crl.O.P(MD)No.4360 of 2025

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ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents to transfer the investigation of the complaint given by the petitioner dated 10.01.2025, pending on the file of the second respondent to some other independent investigation agencies.

2.According to the petitioner, his father met with a road accident on 07.01.2025. While the petitioner's father was travelling in his bicycle near Seidunganallur road one Bebin Selva Britto, Sub Inspector of Police rode his two wheeler bearing Registration No.TN 75 AV 9549 in a rash and negligent manner and hit against the petitioner's father and caused severe injuries. Immediately, the petitioner's father was taken to hospital and he was bedridden till date. He sustained fracture injuries and unable to get up from the bed. While so, the petitioner made a complaint before the second respondent but they have not taken any action. *Per contra*, receiving a complaint from a third party, they have registered an FIR against the petitioner's father in Crime No.10 of 2025 for the offence under Sections 281 and 125(a) of BNS by using the third person as



Crl.O.P(MD)No.4360 of 2025

complainant. Already the petitioner gave a complaint on 10.01.2025 to the first respondent as against the said Sub Inspector of Police for the accident caused by him but the respondent police have not conducted any proper enquiry. Since the complaint is against the Sub Inspector of police, Seidunganallur police Station, the same police officer cannot enquire the complaint. Hence this petition.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that already for the same accident, an FIR in Crime No.10 of 2025 has been registered as against the petitioner's father. Therefore, the petitioner lodged a counter complaint for the said FIR registered against his father. However, if the petitioner's complaint is pending, the same will be considered in accordance with law.

4.Since the prayer of the petitioner is to consider his representation, dated 10.12.2025 and to transfer the enquiry and the respondent police have also admitted the registration of FIR against the petitioner's father for the accident occurred on 07.01.2025, it is not appropriate to entrust the same police officer to enquire the matter.



Crl.O.P(MD)No.4360 of 2025

Therefore, the petitioner is directed to lodge a fresh complaint through his father before the first respondent and if any such complaint is lodged by the petitioner's father, the same can be considered by the first respondent in accordance with law.

5. With the above direction, this Criminal Original Petition is disposed of.

11.03.2025

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

To

1. The State of Tamilnadu,
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Thoothukudi District,
Thoothukudi.

2. The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.

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



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Crl.O.P(MD)No.4360 of 2025

P. DHANABAL, J.

LR

Crl.O.P(MD)No.4360 of 2025

11.03.2025