



Crl.O.P(MD)No.4461 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.4461 of 2025

Y.Shiek Muhirin

... Petitioner

Vs.

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

2.The Superintendent of Police,
CBCID South Zone, Egmore,
Chennai.

3.The Sub Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
Crime No.313 of 2024.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to withdraw the case in Crime No.313 of 2024, dated 01.10.2024 on the file of the third respondent and order to transfer the investigation to the second respondent or any other agency there by continue the proper investigation and pass such any other order or directed as this Court.



Crl.O.P(MD)No.4461 of 2025

WEB COPY

For Petitioner : Mr.C.Iyyappa Raj
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to withdraw the case in Crime No.313 of 2024, dated 01.10.2024 on the file of the third respondent and to transfer the investigation to the second respondent or any other investigation agency, thereby continue the proper investigation.

2. According to the petitioner, he is the de facto complainant in this case and on 08.01.2024, 38 gold coins each weighing 8 grams kept in a coin container box was found missing. Thereby, the petitioner lodged a complaint before the third respondent and they assigned CSR No.541 of 2024 and thereafter, registered FIR in Crime No.313 of 2024 on 01.10.2024. Pursuant to the FIR, they have not conducted proper investigation and so far not identified the accused. Therefore, the investigation of the case has to be transferred to some other agency. Moreover, the petitioner suspected one servant, namely, Deepika, but the police have not enquired the said servant effectively and the servant also pledged the jewels after the incident and the same also not



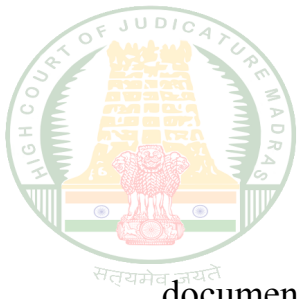
Crl.O.P(MD)No.4461 of 2025

WEB COPY

considered by the third respondent. Therefore, the petitioner seeks to transfer the case to any other investigation agency.

3. The learned Government Advocate (Crl. Side) appearing for the respondents would submit that based on the complaint given by the petitioner, they registered a case in Crime No.313 of 2024 for the offences under Section 305 of the Bharatiya Nyaya Sanhita, 2023 and the same is now under investigation. The investigation officer examined 6 more witnesses and no any clue to identify the accused. The third respondent also examined the servant of the petitioner, namely, Deepika and she stated that she did not know about the alleged missing of gold ornaments. As far as the pleading of the jewels by the said Deepika is concerned, no any documents produced by the petitioner. If the petitioner have any documents, if he produces, then they can conduct proper investigation.

4. Since the investigation is pending and the same is going on by examining the witnesses, there are no records to substantiate the allegations of the petitioner. Therefore, the third respondent can conduct investigation and a transfer of the case is not necessary. However, if the petitioner has any



Crl.O.P(MD)No.4461 of 2025

WEB COPY

documents in respect of this crime, he can always approach the third respondent by producing the documents, so that, the third respondent can conduct proper investigation.

5. In view of the same, this Criminal Original Petition stands disposed of.

11.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Superintendent of Police,
Thoothukudi District.
- 2.The Superintendent of Police,
CBCID South Zone, Egmore,
Chennai.
- 3.The Sub Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD)No.4461 of 2025

P.DHANABAL, J.

BTR

Crl.O.P(MD)No.4461 of 2025

11.03.2025