



Crl.O.P(MD)No.4688 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.4688 of 2025

Kaaliyammal

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police (Crime),
Peraiyur Police Station,
Ramanathapuram District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to direct the first respondent to transfer the investigation in connection with the Crime No.93 of 2024 on the file of the second respondent police to any other competent investigation agency for fresh investigation within the time frame that may be stipulated by this Court by considering the petitioner's representation, dated 12.02.2025 and to pass such further or other orders as this Court.

For Petitioner : Mr.S.Manikandan



WEB COPY



Crl.O.P(MD)No.4688 of 2025

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

ORDER

This Criminal Original Petition is filed by the petitioner to transfer the investigation of the case in Crime No.93 of 2024 from the second respondent police to any other investigation agency.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is the wife of one Azhagarsamy. On 16.10.2024, the petitioner and her deceased husband were getting ready for their routine work. At that time, the petitioner's neighbors, namely, Madasamy, Pechi, Valli and Bala started shouting against the petitioner and her husband due to the dispute in respect of blocking rain water in front of the house of Madasamy. Thereby, the said Madasamy took shovel and hit the deceased behind his head and he became unconscious. Immediately, he was taken to Muthukulathur Government Hospital and first aid was given to him. Thereafter, the petitioner along with Azhagarsamy returned to their home. After sometime, on 17.10.2024, the said Azhagarsamy found death in the house. Immediately, the petitioner went to the



Crl.O.P(MD)No.4688 of 2025

WEB COPY

second respondent police and lodged a complaint but the second respondent obtained thumb impression of the petitioner in a blank paper and later, they registered a case in Crime No.93 of 2024 under Section 194 of the Bharatiya Nagarik Suraksha Sanhita, 2023, even the said Madasamy assaulted the Azhagarsamy by causing head injury. Thereafter, the second respondent neither started investigation nor shown any interest to find the truth behind the death of the petitioner's husband so far. The husband of the petitioner sustained injury to sutured laceration of size 3 X 0.5 X 0.5 Cm at Parietal Region. Therefore, the second respondent tried to favour the accused and asked the petitioner to receive the money from the accused and leave the matter. Therefore, she sent representations to the first respondent to transfer the investigation on 18.11.2024, 07.02.2025 and 12.02.2025. But no action was taken. Therefore, this petition is filed to transfer the investigation.

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.93 of 2024 for the offences under Section 194 of BNSS. Thereafter, they conducted investigation and filed final report, and the deceased died due to Myocardial infraction. Therefore, they filed report



Crl.O.P(MD)No.4688 of 2025

WEB COPY

as further action dropped and referred charge sheet notice also served to the petitioner. Since already the investigation was completed, nothing survives for further adjudication in this case. Therefore, the petition is liable to be dismissed.

4. This Court had heard both sides and perused the materials available on record.

5. According to the petitioner, there was a wordy quarrel between the petitioner's husband and one Madasamy. Thereby, Madasamy assaulted the petitioner's husband with shovel on his head and he sustained injury and immediately, he was taken to hospital and after taking treatment, when he was in his residence, he died on 17.10.2024. Immediately, the petitioner lodged a complaint before the second respondent police but they obtained thumb impression of the petitioner and filed the case as if this is suspicious death.

6. According to the respondents, they conducted investigation and action dropped as the deceased died due to cardiac arrest due to Myocardial infraction and the report also filed before the learned Magistrate and now the case is



Crl.O.P(MD)No.4688 of 2025

WEB COPY

pending before the Judicial Magistrate. At this stage, the petitioner filed the petition to transfer the investigation.

7. Since the investigation was already completed and now the matter is pending before the learned Judicial Magistrate, it is for the petitioner to appear before the Judicial Magistrate and file appropriate protest petition and thereafter, the Magistrate can take appropriate decision. If the petitioner aggrieved by the order of the learned Magistrate, then she can approach this Court. Before taking decision by the learned Magistrate in the final report filed by the respondents, it is not appropriate to interfere with the report filed by the second respondent.

8. With the above said liberty, this Criminal Original Petition stands dismissed.

13.03.2025

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



Crl.O.P(MD)No.4688 of 2025

WEB COPY To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Inspector of Police (Crime),
Peraiyur Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P(MD)No.4688 of 2025

P.DHANABAL, J.

BTR

Crl.O.P(MD)No.4688 of 2025

13.03.2025