



Crl.O.P.(MD)No.4766 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :14.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD) No.4766 of 2025

S. Saraswathi

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Usilampatti,
Madurai District.

3. The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Crime No.396/2024.

4. The Inspector of Police,
CBCID,
Madurai District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the 1st respondent to transfer the investigation in Crime No.396 of 2024 on the file of the 3rd respondent to 4th respondent or any other competent investigation agency and to complete the investigation.



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Crl.O.P.(MD)No.4766 of 2025

For Petitioner : Mr.P.Praveen Kumar

For Respondents : Mr.M.Sakthi Kumar

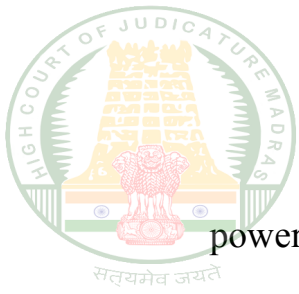
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the 1st respondent to transfer the investigation in Crime No.396 of 2024 on the file of the 3rd respondent to the 4th respondent or any other competent investigation agency.

2. According to the petitioner, she is the defacto complainant, the husband of the petitioner died in a road accident and thereby, she lodged a complaint. Based on the complaint, a case in Crime No.326 of 2024 has been registered for the offences under Sections 281 and 125(a) of BNS, 2023 and thereafter, no proper investigation has been conducted and so far, they have not identified the accused and not filed the final report. Therefore, she prayed to transfer the investigation from the 3rd respondent to the 4th respondent or to any other competent investigating agency..

3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that the husband of the petitioner died in a road accident and they have also collected the CCTV footages and due to



Crl.O.P.(MD)No.4766 of 2025

power cut on the particular date, they are unable to identify the accused till date. However, they have examined 13 more witnesses and also altered the Sections 281 and 125 (a) of BNS to Sections 281 and 106 (1) BNS. Therefore, the investigation is going in a fair and proper manner. At this stage, the investigation need not be disturbed.

4. Considering the prayer of the petitioner to transfer the investigation of the case from the 3rd respondent to the 4th respondent and the 3rd respondent also conducting the investigation in a proper manner and they have examined 13 more witnesses and also altered the Sections from 281 and 125 (a) of BNS to Sections 281 and 106 (1) BNS, this Court recording the above said submission of the learned Government Advocate, inclined to close the petition. However, the 2nd respondent can monitor the investigation of the 3rd respondent periodically and ensure the completion of the investigation within three months. Accordingly, this Criminal Original Petition is closed.

14.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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Crl.O.P.(MD)No.4766 of 2025

P. DHANABAL, J.

Mac

To

1. The Superintendent of Police,
Madurai,
Madurai District.

2. The Deputy Superintendent of Police,
Usilampatti,
Madurai District.

3. The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Crime No.396/2024.

4. The Inspector of Police,
CBCID,
Madurai District.

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

Crl.O.P(MD)No.4766 of 2025

14.03.2025