



Crl.O.P(MD)No.5022 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.5022 of 2025

Soorya

... Petitioner

Vs.

1.The State of Tamil Nadu,
The Superintendent of Police,
Dindigul,
Dindigul District.

2.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
Crime No.286 of 2024.

3.The Deputy Superintendent of Police,
CBCID,
Dindigul District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to direct the first respondent herein to withdraw case in Crime No.286 of 2024 on the file of the second respondent and entrust the investigation to the third respondent or some other investigation agencies for further investigation within time stipulated by this Court and pass such any or other orders as this Court.



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For Petitioner : Mr.M.Dhinakar

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

ORDER

This petition has been filed by the petitioner to direct the first respondent herein to withdraw case in Crime No.286 of 2024 on the file of the second respondent and entrust the investigation to the third respondent or some other investigation agencies for further investigation.

2. According to the petitioner, she is the de facto complainant in this case and based on her complaint, a case in Crime No.286 of 2024 was registered for the offences under Section 194(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023. After registration of FIR, the second respondent has not taken any steps to include the owner of the property who erected the fence without any license and therefore, she sent a representation, dated 13.02.2025 but the same has not been considered. Hence, the petitioner filed this petition.

3. The learned Government Advocate (Crl. Side) appearing for the respondents would submit that initially the case was registered as against one



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person in Crime No.286 of 2024 for the offences under Section 194(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and thereafter, they included the owner of the property as second accused in this case and therefore, the investigation in this case is at initial stage and at this stage, the petitioner filed petition to include some other person. Apart from the two accused, if any other accused involved in this case, they will conduct investigation and through investigation if anybody involved in this case, they will take appropriate steps. As of now, the investigation is going on in a fair manner. Therefore, this petition is liable to be dismissed.

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

5. The petitioner is the de facto complainant and based on the complaint, a case in Crime No.286 of 2024 was registered. The grievance of the petitioner is that the second respondent has not included all the accused, particularly, the owner of the property. According to the second respondent, already the owner of the property was included as one of the accused and he was arrayed as second accused in this case and the investigation also pending at initial stage.



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Therefore, the grievance of the petitioner has already been considered and the owner of the property was included as one of the accused. Therefore, at this stage, the investigation cannot be transferred. However, the Deputy Superintendent of Police of the Ottanchathram is directed to monitor the investigation.

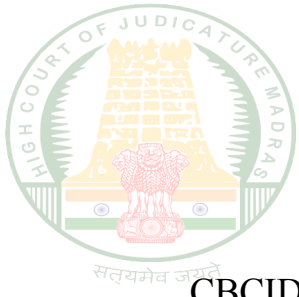
6. With the above said observations and directions, this Criminal Original Petition stands disposed of.

19.03.2025

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

To

- 1.The Superintendent of Police,
Dindigul,
Dindigul District.
- 2.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
Crime No.286 of 2024.
- 3.The Deputy Superintendent of Police,



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CBCID,
Dindigul District.

- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Deputy Superintendent of Police,
Ottanchathram.



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P.DHANABAL, J.

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