



Crl.O.P(MD)No.5017 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.5017 of 2025

I.Shankar Ganesh

... Petitioner

Vs.

1.The State of Tamil Nadu,
Through,
The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thallakulam Sub-Division,
Madurai City.

3.The Inspector of Police,
Office of the Inspector of Police,
Thallakulam Police Station,
Madurai City.
Crime No.156 of 2025.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to direct the first respondent to withdraw and transfer the case in Crime No.156 of 2025 from the third respondent to second respondent and pass any other order or orders as this Court.



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For Petitioner : Mr.S.Nihar Ali

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

ORDER

This petition has been filed by the petitioner to direct the first respondent to withdraw and transfer the case in Crime No.156 of 2025 from the third respondent to second respondent.

2. According to the petitioner, he is the de facto complainant and he sustained multiple injuries due to the acts done by the other accused and thereafter, he lodged a complaint and based on his complaint a case in Crime No.156 of 2025 was registered for the offences under Sections 296(b) and 115(2) of the Bharatiya Nyaya Sanhita, 2023. The petitioner sustained grievous injuries. However, the investigation officer has not included appropriate Sections. Hence, he sent a representation, dated 07.03.2025 and the same has not been considered. Therefore, the petitioner filed this petition.



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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.156 of 2025 for the offences under Sections 296(b) and 115(2) of the Bharatiya Nyaya Sanhita, 2023. Similarly, a counter case also registered against the petitioner in Crime No.155 of 2025 for the offences under Sections 191(2), 296(b), 115(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023. Both the cases are under investigation by the investigation officer. The investigation officer will conduct the investigation in a fair manner and the grievance of the petitioner is to alter the Sections. After obtaining wound certificate from the Hospital, they will consider the representation of the petitioner and if any material available, they will alter the Sections in accordance with law.

4. Since the prayer of the petitioner is to transfer the case on the ground that the present investigation officer has not included the appropriate Sections and the investigation officer also conducted investigation in a fair manner and he also assured to take appropriate steps to alter the Sections based on the wound certificate and other statements recorded from the witnesses and now the case is also pending at the stage of investigation, it is for the third



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respondent to conduct fair investigation and to take appropriate steps to include appropriate Sections of law. Therefore, the prayer of the petitioner cannot be considered for that reason and thereby, this Court is inclined to dispose of this petition by directing the third respondent to conduct fair investigation and to act in accordance with law.

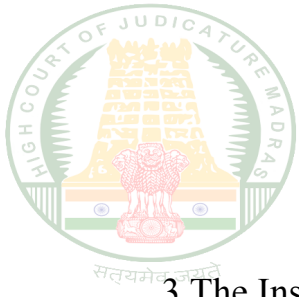
5. With the above said observations and directions, this Criminal Original Petition stands disposed of.

19.03.2025

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

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
- 2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thallakulam Sub-Division,
Madurai City.



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- 3.The Inspector of Police,
Office of the Inspector of Police,
Thallakulam Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

BTR

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