



Crl.O.P(MD)No.5254 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.5254 of 2025

Sethuraman

... Petitioner / Accused No.2

Vs.

**1.State of Tamil Nadu Rep. by
The Superintendent of Police,
Office of the Superintendent of Police,
Pudukottai District.**

**2.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukottai District.**

In Crime No.30 of 2025.

...Respondents/Complainants

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to issue a direction, directing the 1st respondent to transfer the investigation in Crime No.30 of 2025 from the 2nd respondent to some other investigation agency by considering the petitioner's representation dated 08.03.2025.

For Petitioner : Ms.D.S.Haroon Rasheed

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side)



Crl.O.P(MD)No.5254 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed seeking a direction to the first respondent to transfer the investigation in Crime No.30 of 2025 from the second respondent to some other investigation agency by considering the petitioner's representation, dated 08.03.2025.

2.According to the petitioner, he is the second accused in this case and based on the complaint lodged by the defacto complainant, the FIR in Crime No.30 of 2025 was registered. A counter case was also lodged as against the defacto complainant, where the appropriate sections have not been included, whereas in the present FIR, without any injury, the investigation officer included the offence under Section 109(1) of BNS. Hence, the investigation officer acted in a biased manner. Therefore, the petitioner sent the representation dated 08.03.2025, but the same has not been considered. Hence this petition.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the present FIR has been registered recently and based on the complaint lodged by the petitioner, an FIR in



CrI.O.P(MD)No.5254 of 2025

Crime No.32 of 2025 was registered and as against this petitioner, the defacto complainant has lodged a complaint, for which, the present FIR has been registered. Both the cases are under investigation and the investigation officer is conducting a fair investigation. As per the complaint what are all the offences are made out, they included those offences. Therefore, this petition is liable to be dismissed.

4.Heard both sides and perused the records.

5.The grievance of the petitioner is that in the complaint given by the petitioner, no appropriate sections have been incorporated in the FIR, where as, based on the complaint lodged by the defacto complainant as against the petitioner, without any materials, the offence under Section 109(1) of BNS is incorporated. Therefore, the investigation officer acted in a biased manner.

6.Only because of some Sections have been included in the FIR in Crime No.30 of 2025, based on the complaint lodged by the defacto complainant, it is not a ground to transfer the investigation. However, the petitioner apprehends that the second respondent will act in a biased



Crl.O.P(MD)No.5254 of 2025

manner. Therefore, the second respondent is directed to conduct a fair investigation without any bias and the Deputy Superintendent of Police, Pudukottai is directed to monitor the investigation.

7.With the above direction, this criminal original petition is disposed of.

21.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To

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

2.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukottai District.

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

Copy to

The Deputy Superintendent of Police,
Pudukottai.



WEB COPY



Crl.O.P(MD)No.5254 of 2025

P. DHANABAL, J.

LR

Crl.O.P(MD)No.5254 of 2025

21.03.2025