



Crl.O.P(MD)No.5163 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.5163 of 2025

Gopala Krishnan

... Petitioner

Vs

1. The State of Tamilnadu Rep By,
The Superintendent of Police,
Thoothukudi Police Station,
Thoothukudi.

2. The Deputy Superintendent Of Police,
Srivaikundam,
Thoothukudi District.

3. The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
Crime No.10 of 2025.

4. The Deputy Superintendent Of Police,
CB-CID,Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to issue an order of direction to withdraw the investigation from the 3rd respondent in respect of the FIR in Crime No.10 of 2025 and to transfer the same to the fourth respondent or any other



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independent and efficient investigation office, attached to some other police station or any other investigating agency for conducting appropriate investigation in the above mentioned FIR in a manner known to law.

For Petitioner : Mr.M.S.Jeyakarthik

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

ORDER

This Criminal Original Petition has been filed seeking a direction to withdraw the investigation from the file of the third respondent in respect of the FIR in Crime No.10 of 2025 and to transfer the same to the fourth respondent or any other independent and efficient investigation office, attached to some other police station or any other investigating agency for conducting appropriate investigation.

2.According to the petitioner, he is the defacto complainant and based on his complaint, the FIR in Crime No.10 of 2025 was registered



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for the offence under Sections 191(2), 296(b), 115(2), 118(1) and 351(3)

of BNS. Already a case has been registered as against the petitioner in Crime No.8 of 2024 under POCSO Act. At that time, the petitioner was brutally attacked by the accused persons and to that effect, he also lodged a complaint before the third respondent. When the petitioner was in hospital, his statement was recorded by the Inspector of Police and then, the petitioner's complaint was closed as action dropped and thereafter, the petitioner filed a petition under Section 156(3) of Cr.P.C and the same was forwarded to the third respondent herein and based on the same, an FIR in Crime No.10 of 2025 was registered. Since the investigation officer has already closed the petitioner's complaint as action dropped and once again before the same SHO, the FIR has been registered and now if the matter is investigated by the same officer, he cannot conduct a fair investigation. Therefore, he prayed to transfer the investigation of the present case.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the accused in Crime No.8 of 2024 which was registered for the offence under Sections 7, 8, 9 and 10 of POCSO Act. At the time of occurrence, the petitioner



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was caught red handed by the villagers and the villagers in order to secure the victim, they attacked him. In that incident, the petitioner sustained some injuries and thereby, he was admitted in the hospital and immediately, he lodged a complaint against the villagers and the family members of the victim in the POCSO Act. After recording the statement from the petitioner, the petitioner's complaint was closed as action dropped by the Inspector of Police. Thereafter, the petitioner filed a petition under Section 175(3) of BNSS and the same was forwarded to the third respondent herein and based on the same, an FIR in Crime No. 10 of 2025 was registered by the SHO, namely, Mr.Reguraman, Sub Inspector of Police and the case is now under investigation and the previous complaint was closed by Mr.Padmanabapillai, Inspector of Police and the present case is under investigation by the Mr.Reguraman, Sub Inspector of Police. Therefore, the investigation is going on in a fair manner and the previous officer is not investigating the case. Hence the prayer cannot be considered at this stage.

4.Heard both sides and perused records.

5.According to the petitioner, he already lodged a complaint before



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the third respondent and the same was closed as action dropped. Then he approached the jurisdictional Court by filing a complaint under Section 175(3) of BNSS and the same was forwarded to the same police station and now, the present FIR has been registered and the same is under investigation. But the third respondent denied the same that the earlier complaint was closed by Mr.Padmanabapillai, Inspector of Police. Now the present FIR is under investigation by the Mr.Reguraman, Sub Inspector of Police.

6.Recording the submission made by the learned Government Advocate (Crl.Side) that the same investigation officer is not investigating the case, the present investigation officer is directed to conduct a fair investigation and file final report as early as possibly without any delay.

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

20.03.2025

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



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WEB COPY To

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2. The Deputy Superintendent Of Police,
Srivaikundam,
Thoothukudi District.
3. The Inspector of Police,
Srivaikundam Police Station,
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4. The Deputy Superintendent Of Police,
CB-CID, Thoothukudi,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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P. DHANABAL, J.

LR

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