



Crl.O.P.(MD)No.5132 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :20.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

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V. Kannan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Superintendent of Police,
Thoothukudi Police Station,
Thoothukudi.

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

3. The Inspector of Police,
Srivaikundam,
Thoothukudi District.
Crime No. 253 of 2022.

4. The Deputy Superintendent of Police,
CBCID Thoothukudi,
Thoothukudi District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to issue an order of direction, to withdraw the investigation from the 2nd respondent in respect of the F.I.R in Crime No.253 of 2022 on the file of the 3rd respondent and to transfer the same to the 4th respondent for investigation and consequently, to direct the 4th respondent to file charge sheet in respect of the above F.I.R within the time limit.



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For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. side)

ORDER

This Criminal Original Petition has been filed to withdraw the investigation from the 2nd respondent in respect of Crime No.253 of 2022 on the file of the 3rd respondent and to transfer the same to the 4th respondent for investigation and consequently, to direct the 4th respondent to file charge sheet in respect of the above said F.I.R.

2. According to the petitioner, he is the defacto complainant in this case and based on his complaint, a case in Crime No.253 of 2022 has been registered for the offences under Section 447, 427 of IPC and Section 3(1) (g) of the Schedules Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Thereafter, the earlier investigating officer closed the case as 'mistake of fact' and a report was also filed before the Trial Court. The learned Trial Court has not accepted the report and directed to conduct further investigation and thereafter, no any proper investigation was conducted by the present investigating officer. Therefore, he has filed this petition to transfer the investigation.



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3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondents would submit that based on the complaint given by the petitioner, F.I.R has been registered in Crime No.253 of 2022 for the offences under Section 447, 427 of IPC and Section 3(1)(g) of the Schedules Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Already the said case was closed as 'mistake of fact', but the learned Trial Court has ordered for further investigation. Thereafter, the investigating officer has investigated the case and now he also filed the final report as 'mistake of fact' and the same is pending for consideration by the Trial Court. Therefore, the transfer of investigation would not arise in this case.

4. The prayer of the petitioner is to transfer the investigation in Crime No.253 of 2022. Already the investigating officer has completed the investigation and filed the final report and the same is pending before the Trial Court for passing appropriate orders. While so, transfer of investigation would not arise and it is for the petitioner to approach the Trial Court after receipt of notice for the closure of the case as 'mistake of fact'.

5. In view of the same, preserving the liberty of the petitioner to



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approach the Trial Court to challenge the final report, this criminal original
petition is closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

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



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P. DHANABAL, J.

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