



Crl.O.P(MD)No.5110 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.5110 of 2025

P.Thineesh @ Dinesh

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Deputy Superintendent of Police,
Manaparai,
Trichy.

3.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to transfer the investigation of the case registered in Crime No.155 of 2024, dated 27.05.2024 and on the file of the third respondent police to any other investigating officer and pass such further or other orders as this Court.

For Petitioner : Mr.C.Prithiviraj



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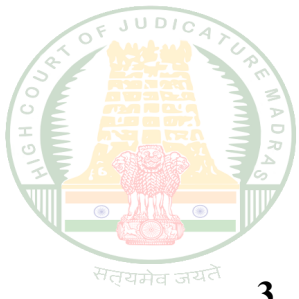
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For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation of the case registered in Crime No.155 of 2024, dated 27.05.2024 and on the file of the third respondent police to any other investigating officer.

2. According to the petitioner, he is the de facto complainant in this case and based on the complaint, a case in Crime No.150 of 2024 has been registered for the offences under Sections 294(b), 323, 324 and 506(2) of the Indian Penal Code, 1860. The petitioner stated in the complaint as sickle but the same has been mentioned as stick and the petitioner also lodged a complaint as against seven person but the FIR has been registered only as against three persons. Therefore, investigation officer is conducting investigation in a biased manner. Already the counter complaint also lodged by the accused person in this case and based on that, a case in Crime No.155 of 2024 also registered. Therefore, the investigation officer is conducting investigation in a biased manner, hence, the petitioner filed this petition to transfer the investigation.



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3. The learned Government Advocate (Crl. Side) appearing for the respondents would submit that already they completed the investigation and ready for filing final report and the allegation levelled against the petitioner are not true and already the petitioner in the complaint itself stated the weapon as stick [Kattai] and the same also reflected in the accident report. In the wound certificate also they stated only as four known persons but now stated in the affidavit that they lodged a complaint against seven persons. Therefore, there is no merits in this case and since already the investigation officer investigated the case and charge sheet is ready to file before the concerned Judicial Magistrate, nothing survives for further adjudication in this case.

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

5. This petition is filed by the petitioner to transfer the investigation of the case in Crime No.155 of 2024 from the third respondent to some other investigation agency. According to the respondents, already the investigation completed and now charge sheet is ready to file before the jurisdictional



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magistrate. The main grievance of the petitioner is that even though the petitioner in the complaint stated the weapon as sickle, the same was mentioned as stick and she lodged a complaint against the seven persons but only case has been registered against three persons. Therefore, the petitioner filed this petition.

6. This Court also perused the accident register where the petitioner stated that assault made by four known persons using Kattai and iron rod. The FIR also reveals the same. Therefore, the contention of the petitioner is not acceptable. Moreover, already the investigation was completed and now the case is ready to file final report before the concerned judicial magistrate, therefore, at this stage, the prayer of the petitioner cannot be considered and the same is liable to be dismissed. Accordingly, this Criminal Original Petition stands dismissed.

20.03.2025

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



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 - 2.The Deputy Superintendent of Police,
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 - 3.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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