



Crl.O.P(MD)No.5126 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.5126 of 2025

Bupesh Nagarajan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Director General of Police,
Tamil Nadu Police,
Chennai.

2. The Commissioner of Police,
Madurai City Police,
Madurai – 625 001.

3. The Inspector of Police (Law and Order),
Thallakulam Police Station,
Madurai-625 001.

4. The Inspector of Police,
CBCID, Madurai.

5. The Inspector of Police, (TIW II),
Thallakulam Police Station,
Madurai-625001.

6. The Sub-Inspector of Police, (TIW II),
Thallakulam Police Station,
Madurai-625001.

...Respondents



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PRAYER: Criminal Original petition has been filed under Section 528 of BNSS, 2023, to direct the 1st respondent to transfer investigation pertaining to the complaint dated 28.01.2025 in (C.S.R.No.95 of 2025) on the file of the 6th respondent to the 4th respondent.

For Petitioner : Mr.J.Pooventherarajan

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side)

ORDER

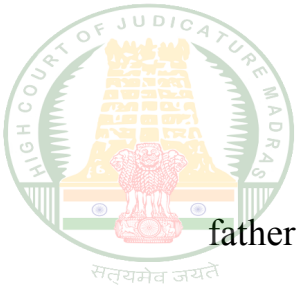
This criminal original petition has been filed by the petitioner to direct the 1st respondent to transfer investigation pertaining to the complaint dated 28.01.2025 in C.S.R.No.95 of 2025 on the file of the 6th respondent to the 4th respondent.

2. The learned counsel appearing for the petitioner would submit that the petitioner's father, namely, one P. Nagarajan aged about 74 years, on 27.01.2025 at about 2.00 p.m., while proceeding in the two wheeler met with an accident and when a person claiming to be 108 ambulance service personnel contacted the petitioner's sister by phone call and informed her about the accident. Thereafter, the petitioner's father was admitted in the Government Rajaji Hospital, Madurai. Immediately, the



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petitioner's sister and her husband went to the hospital and found that the petitioner's father was in a critical condition. Therefore, the officials from the Thallakulam Traffic Police approached the petitioner's sister at the hospital and insisted her to file a complaint as if the petitioner's father due to high blood pressure, had fallen from the two wheeler and met with an accident. The sister of the petitioner had refused for the same and thereafter, suspecting the above said conduct of the respondent police, the petitioner went to the location where the alleged accident took place and there were four surveillance cameras installed. Therefore, the petitioner along with his brother-in-law went to the Thallakulam Traffic Police Station and lodged a complaint dated 28.01.2025 to collect the CCTV footages and enquired the matter, but the respondent police have refused to accept the complaint and directed them to file at Thallakulam Law and Order Police Station. In the mean time, the petitioner's father died on 29.01.2025 and thereafter, the respondent police have taken steps for postmortem. At the time of postmortem, the 6th respondent approached the petitioner and obtained signatures on some documents and later they registered a Crime No.18 of 2025 on the file of the Traffic Investigation Wing, Madurai. Thereafter, the petitioner came to know that the 6th respondent had prepared a false complaint alleging that the



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father of the petitioner died due to an accident by his own fall.

Therefore, the petitioner sent a representation on 19.02.2025 to take appropriate action against the 5th and 6th respondents and to transfer the investigation to any other independent authority, but no any action was taken. Therefore, the complaint of the petitioner dated 28.01.2025 in C.S.R.No.95 of 2025 has to be transferred from the file of the 6th respondent to the 4th respondent.

3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that the father of the petitioner met with an accident on 27.01.2025. Therefore, they admitted into the Government Rajaji Hospital, where he died on 29.01.2025. Thereafter, an F.I.R in Crime No.18 of 2025 was registered and the same is under investigation. The petitioner is the complainant in this case and based on his complaint, F.I.R has been registered and thereafter, postmortem was conducted and now the investigation is pending. While so, the petitioner's brother-in-law lodged a complaint on 28.01.2025 and the same was assigned C.S.R.No.95 of 2025 and thereafter, it was closed after enquiry since already a case has been registered and the same is under investigation. Therefore, the transfer of complaint dated



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28.01.2025 in C.S.R.No.95 of 2025 would not arise.

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4. Heard both sides and perused the records.

5. According to the petitioner, he sent a complaint dated 28.01.2025 to the 6th respondent and they assigned C.S.R.No.95 of 2025, thereafter, no action was taken. Already the 6th respondent has obtained the signature from the petitioner and prepared a complaint as if the petitioner's father died due to the accident. Therefore, the investigation has to be transferred from 6th respondent to 4th respondent. According to the respondents, the petitioner has not filed a complaint. Per contra, the petitioner's brother-in-law, namely, Murugan only lodged a complaint and same was assigned C.S.R.No.95 of 2025 and closed as there is no suspect in the accident and already case in Crime No.18 of 2025 is pending under investigation. Since the petition in C.S.R.No.95 of 2025 was closed, the transfer of complaint will not arise. Therefore, the petition has no merits and deserves to be dismissed. However, since the F.I.R in Crime No.18 of 2025 is pending and the petitioner's grievance is also after obtaining CCTV particulars, the investigation has to be conducted in a fair manner, considering the above said grievance of the



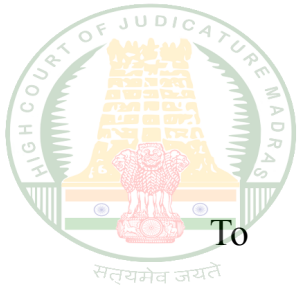
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petitioner, this Court directs the investigating officer to conduct a fair investigation in accordance with law and file the final report without any delay.

6. With the above said observations, this criminal original petition is dismissed.

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Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

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Chennai.
2. The Commissioner of Police,
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Madurai – 625 001.
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Thallakulam Police Station,
Madurai-625001.
6. The Sub-Inspector of Police, (TIW II),
Thallakulam Police Station,
Madurai-625001.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

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