



Crl.O.P(MD)No.5508 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.5508 of 2025
and Crl.M.P(MD) No.3990 of 2025

K. Kesavan

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Superintendent of Police,
Office of the Superintendent of Police,
Surveyor Colony, Madurai - District.

2. The Inspector of Police,
Othakkadai Police Station,
Othakkadai, Madurai District.

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the 1st Respondent to withdraw the case in Crime No.29 of 2025 on the file of 2nd Respondent Police, Othakkadai P.S and entrust the same to change the investigation officer not below the rank of DSP in CBCID.

For Petitioner : Mr.S.Chandra Sekar

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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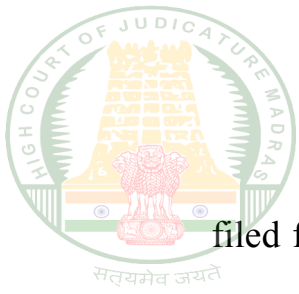
ORDER

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This Criminal Original Petition has been filed to direct the 1st Respondent to withdraw the case in Crime No.29 of 2025 on the file of 2nd Respondent Police, Othakkadai P.S and entrust the same to change the investigation officer not below the rank of DSP in CBCID.

2.According to the petitioner, he is the de-facto complainant and based on his complaint, a case in Cr.No.29 of 2025 has been registered on the file of the 2nd respondent police. Thereafter, respondent police has not conducted proper investigation. Again, the same accused have assaulted the petitioner's wife on 26.01.2025. To that effect, she had also lodged a complaint and the same has not been considered. Since, the Investigation Officer has not taken proper steps to investigate the case in a proper manner, this petition has been filed seeking transfer of investigation.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that in this case already they have conducted investigation and filed final report before the concerned Court. It is a case and case in counter. In the counter case also they have



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filed final report. Both cases are pending before the Judicial Magistrate, Melur. Therefore, transfer of investigation will not arise at this stage.

4.The main grievance of the petitioner is that the accused persons indulged in criminal activity, thereby, he lodged a complaint against them. Again on the next day, some of the accused assaulted the petitioner's wife and she had also lodged a complaint. Since no action was taken by the Investigation Officer, seeking transfer of investigation, this petition has been filed.

5.Since the second respondent has already filed final report and no investigation is pending before the respondent police, the prayer of the petitioner become infructuous. However, if the complaint lodged by the wife of the petitioner is pending with the second respondent, it is for the 2nd respondent to take appropriate action in accordance with law.



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6.In view of the same, this petition is closed by

preserving the liberty of the petitioner to challenge the final report if he is aggrieved. Consequently, connected miscellaneous petition is closed.

25.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
PNM

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Surveyor Colony, Madurai - District.

2. The Inspector of Police,
Othakkadai Police Station,
Othakkadai, Madurai District.

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



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P. DHANABAL, J.

PNM

ORDER IN
Crl.O.P(MD)No.5508 of 2025
and Crl.M.P(MD) No.3990 of 2025

25.03.2025