

Crl.O.P.(MD)No.5415 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

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Rajeshwari

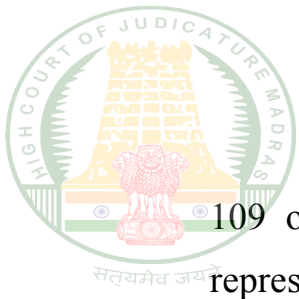
.. Petitioner

Vs.

1. The Superintendent of Police
O/o. Superintendent of Police Office
Surveyor Colony
K.Pudur, Madurai District
2. The Deputy Superintendent of Police
O/o. Deputy Superintendent of Police Office
Surveyor Colony
K.Pudur, Madurai District
3. The Inspector of Police
Nagamalai Pudukottai Police Station
Madurai District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent to transfer the investigation from third respondent and to appoint some other investigation officer for conducting the proper enquiry by including the all the accused persons involved in this case in Crime No.435/2024 for the offences under Section 296(b), 115(2), 351(2) of BNS and Section 4 of TNPHW Act dated 06.11.2024 on the file of the third respondent and alter the offences into Under Section



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109 of BNS for filing the final report by considering the petitioner's representation dated 06.03.2025 as per the law within the time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

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

ORDER

This Criminal Original Petition has been filed by the petitioner to transfer the investigation in Crime No.435 of 2024 on the file of the third respondent and to appoint some other investigation officer.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the defacto complainant in this case. She lodged complaint as against six persons but the First Information Report has been registered against only two accused persons . She sustained head injuries but the police instead of including Section 109 of BNS have registered a case for the offences under Section 296(b), 115(2), 351(2) of BNS. Therefore she sent a representation on 06.03.2025, but the same has not been considered, hence the present petition has been filed.



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3. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that already the respondent police have completed investigation and also filed final report before the learned Judicial Magistrate No.VI, Madurai on 17.02.2025., therefore transfer of investigation would not arise.

4. The prayer of the petitioner is to transfer the case on the ground that the respondent police have not included all the accused and not registered case for the appropriate sections. In the meantime, the investigation officer also completed investigation and filed final report. While so, it is for the trial Court to peruse the materials whether any of the accused involved in the case and what are all the sections attracted in this case, based on the final report.

5. Since already the investigation was completed, no question for transfer of investigation would arise. However the trial Court is directed to take appropriate decision based on the final report while taking cognizance.



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6. With the above direction, the Criminal Original Petition stands disposed of.

24.03.2025

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

1. The Superintendent of Police
O/o. Superintendent of Police Office
Surveyor Colony
K.Pudur, Madurai District
2. The Deputy Superintendent of Police
O/o. Deputy Superintendent of Police Office
Surveyor Colony
K.Pudur, Madurai District
3. The Inspector of Police
Nagamalai Pudukottai Police Station
Madurai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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