



Crl.O.P.(MD)No.5389 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

Crl.O.P.(MD)No.5389 of 2025

and

Crl.M.P(MD) No.3913 of 2025

Lawrence

.. Petitioner

Vs.

1. The Director General of Police
No.1, Dr. Radhakrishnan Road,
Mylapore
Chennai
2. The Additional Director General of Police
CBCID, SIDCO Electronic Complex
Block No.3, 1st Floor, Guindy Industrial Estate
Chennai- 32
3. The Superintendent of Police
Kanyakumari District
Kanyakumari
4. The Deputy Superintendent of Police
CBCID, Kanyakumari District
5. The Inspector of Police
Thiruvallar Police Station
Kanyakumari District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to withdraw the investigation in Crime No.42 of 2025 pending on the file



Crl.O.P.(MD)No.5389 of 2025

of fifth respondent police and entrust the same to the fourth respondent or to any other investigating agency with a direction to investigate the matter in accordance with law and consequently direct the first respondent to monitor the same.

For Petitioner : Mr.K.Althaf Sheriff
for M/s.Ajmal Associates
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. 42 of 2025 on the file of the fifth respondent and entrust the same to any other investigation agency.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the defacto complainant in this case. Based on the complaint given by him a case has been registered in Crime No.42 of 2025 for the offences under Sections 126(2),296(b),115(2), 118(1) and 351(3) of BNS. Thereafter the third respondent has not taken any steps for securing the accused. After the said occurrence again the accused have threatened the petitioner to withdraw the complaint, thereby he sent a representation to the third respondent on 12.03.2025, but the same has not been considered. Therefore if the investigation is conducted by the present



investigation officer it would cause great prejudice to the petitioner, therefore the present petition has been filed.

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3. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that allegations levelled against the officials are false. Already the accused persons got anticipatory bail before the Sessions Court on 07.03.2025, however the representation of the petitioner is under consideration and they will dispose of the same in accordance with law.

4. The grievance of the petitioner is that the investigation officer in this case has not taken any steps to arrest the accused and the third respondent has not taken any steps to consider the representation of the petitioner for the subsequent occurrence, thereby filed this petition. The fifth respondent denied the allegations levelled against him and submitted that the investigation is going on in a proper manner and already in this case the accused persons got anticipatory bail before the Sessions Court, Nagercoil. Since the representation of the petitioner is pending before the fifth respondent it is for him to take appropriate action in accordance with law.



Crl.O.P.(MD)No.5389 of 2025

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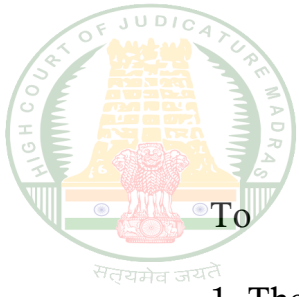
5. More over non arresting the accused alone is not a ground to transfer the investigation, therefore in this case transfer of investigation cannot be ordered.

6. Therefore this Court directs the fifth respondent to take appropriate action based on the complaint lodged by the petitioner dated 12.03.2025 in accordance with law and dispose of the same as early as possible.

7. With the above direction, the Criminal Original Petition stands disposed of. Consequently connected miscellaneous petition stands closed.

24.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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5. The Inspector of Police
Thiruvallar Police Station
Kanyakumari District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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Crl.O.P.(MD)No.5389 of 2025

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