



CRL.OP(MD) NO.5930 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.5930 of 2025

Kumar

... Petitioner

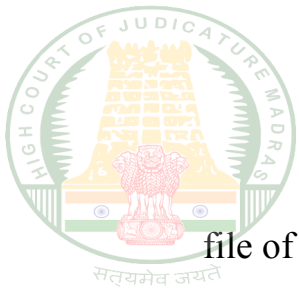
Vs.

1.The State of Tamil Nadu,
rep. by the Superintendent of Police,
District Police Office,
TVS Tollgate,
Subramaniapuram,
Trichy -20. Trichy District.

2. The State of Tamil Nadu,
rep. by the Inspector of Police,
Thuraiyur Police Station,
Thuraiyur,
Trichy District.
(Crime No.246 of 2024)

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to direct the first respondent to transfer the investigation in Crime No.246 of 2024 from the



CRL.OP(MD) NO.5930 of 2025

file of the second respondent to any other investigating officer for free and fair investigation in the light of the petitioner's representation dated 11.03.2025.

For petitioner : Mr.R.Sundar

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

ORDER

This petition is filed by the petitioner to direct the first respondent to transfer the investigation in Crime No.246 of 2024 from the file of the second respondent to any other investigating officer for free and fair investigation in the light of the petitioner's representation, dated 11.03.2025.

2. The learned counsel for the petitioner would submit that the petitioner is the defacto complainant in this case. Based on his complaint, a case in Crime No.246 of 2024 was registered for the offences under Sections 294(b), 115(2), 118(1) and 351(2) of BNS, 2023. The petitioner was brutally attacked by the accused in this case. But, the second respondent has not conducted proper investigation and not even included

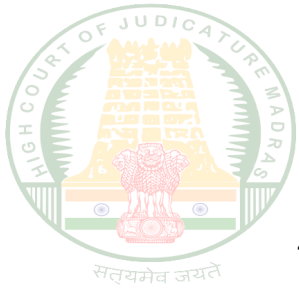


CRL.OP(MD) NO.5930 of 2025

the proper provision of law in the FIR and thereby, the second respondent also not even arrested the accused. Therefore, the petitioner sent a representation, dated 11.03.2025 and the same has not been considered. Hence, he filed this petition.

2. The learned Government Advocate (Crl.Side) for the respondents would submit that based on the complaint of the petitioner, the case in Crime No.246 of 2024 was registered for the offences under Sections 294(b), 118(1) and 351(3) of BNS, 2023. The counter case also registered in Crime No.247 of 2024 for the offences under Sections 294(b), 115(2), 118(1) and 351(2) of BNS, 2023. After conducting elaborate investigation, the case in Crime No.247 of 2024 was closed as mistake of fact and notice also served to the petitioner in that case. Therefore, the transfer of investigation would not arise.

3. Considering the prayer sought for in this petition and already the case was closed as mistake of fact, it is for the petitioner to approach the concerned Judicial Magistrate by way of filing protest petition in accordance with law.



CRL.OP(MD) NO.5930 of 2025

4. In view of the same, preserving the liberty to the petitioner to

challenge the closure report in the manner known to law, this Criminal

Original Petition is closed

01.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1.The Superintendent of Police,
District Police Office,
TVS Tollgate,
Subramaniapuram,
Trichy -20. Trichy District.

2. The Inspector of Police,
Thuraiyur Police Station,
Thuraiyur,
Trichy District.

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



WEB COPY



CRL.OP(MD) NO.5930 of 2025

P.DHANABAL,J

apd

CrL.OP(MD) No.5930 of 2025

01.04.2025