



Crl.O.P.(MD)No.5665 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD) No.5665 of 2025

Chellamuthu

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Superintendent of Police,
Pudukottai District,
Pudukottai.

2. The Deputy Superintendent of Police,
Iluppur Range,
Pudukottai District.

3. The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
(Crime No. 305 of 2024).

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, directing the 2nd respondent to transfer the investigation in F.I.R in Crime No.305 of 2024 dated 24.09.2024 to any other investigating authority not below the rank of Deputy Superintendent of Police within the time stipulated by this Court.



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For Petitioner : Ms.A.Aruljenifer
for M/s.KBS Law Office
For R1 to R3 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to direct the 2nd respondent to transfer the investigation in F.I.R in Crime No.305 of 2024 dated 24.09.2024 from the 3rd respondent to 2nd respondent.

2. According to the petitioner, he is the defacto complainant in this case, and based on his complaint, a case in Crime No.305 of 2024 has been registered for the offences under Section 191(2), 296(b), 115(2) and 351(2) of BNSS, 2023 by the 3rd respondent and thereafter, the 3rd respondent has not conducted a proper investigation and not even included the appropriate sections of law in the F.I.R. Already, the petitioner sent a representation dated 03.10.2024, but the same has not been considered. Therefore, he has filed this petition to transfer the investigation from the 3rd respondent to 2nd respondent.

3. The learned Government Advocate (Criminal Side) appearing for

the respondents would submit that based on the complaint lodged by the



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petitioner, they registered a case in Crime No.305 of 2024 for the offences under Section 191(2), 296(b), 115(2) and 351(2) of BNSS, 2023. As per the complaint, they incorporated the appropriate section of law in the F.I.R and in this case, the investigation is going on in a fair manner. If the petitioner has any material, he can produce before the 3rd respondent and he will consider the materials during investigation and take appropriate action in accordance with.

4. Since the petitioner has already sent a representation on 03.10.2024 to the respondents, it is appropriate to direct the petitioner to appear before the 3rd respondent and produce all the materials available with him and thereafter, the 3rd respondent is directed to conduct investigation by considering the materials produced by the petitioner in accordance with law. Therefore, transfer of investigation cannot be ordered. In view same, this criminal original petition is disposed of.

27.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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P. DHANABAL, J.

Mac

To

1. The Superintendent of Police,
Pudukottai District,
Pudukottai.
2. The Deputy Superintendent of Police,
Iluppur Range,
Pudukottai District.
3. The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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