



CRL.OP(MD) NO.5885 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.5885 of 2025

Kumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(Crime No.54 of 2025)

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to direct the first respondent to transfer the petitioner's FIR in Crime No.54 of 2025 dated 12.02.2025 u/s 296(b), 118(1), 351(3) of BNS, pending on the file of the second respondent police to any other Competent Authority or CBCID, Sivagangai district and conduct a fair investigation.



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For petitioner : Mr.S.Vikram

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

ORDER

This petition is filed by the petitioner to transfer the investigation of the case in Crime No.54 of 2025, on the file of the second respondent to some other competent Investigating Agency.

2. The learned counsel for the petitioner would submit that the petitioner is the defacto complainant in this case and based on his complaint, the case in Crime No.54 of 2025 has been registered for the offences under Sections 296(b), 118(1) and 351(3) of BNS. Thereafter, the second respondent has not conducted proper investigation in this case. Further, a counter case also registered as against the petitioner in Crime No.53 of 2025, for the offences under Sections 296(b), 118(1) and 351(3) of BNS. While so, the second respondent police released the accused in Crime No.54 of 2025 on bail. Whereas, the petitioner was insisted to approached the concerned Court for bail. Therefore, the second respondent police acted in a biased manner and supported the accused in

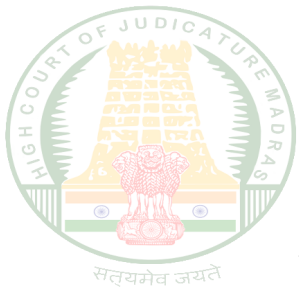


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Crime No.54 of 2025. Therefore, if the investigation is conducted by the second respondent, the petitioner cannot get justice. Therefore, the investigation has to be transferred from the second respondent to some other Investigating Agency.

3. The learned Government Advocate (Crl.Side) for the respondents would submit that based on the complaint give by the petitioner, they registered the case in Crime No.54 of 2025 for the offences under Sections 296(b), 118(1) and 351(3) of BNS. Similarly, as against the petitioner, the defacto complainant in that case lodged a complaint and hence, they registered the case in Crime No.53 of 2025 for the offences under Sections 296(b), 118(1) and 351(3) of BNS. Thereafter, since the offences are bailable in nature, the accused in Crime No.54 of 2025 were released on bail by the second respondent and now, the case is under investigation. Since two complaints were lodged as case and case in counter, they have to conduct elaborate investigation. Now, the investigation is pending. Therefore, without any valid grounds, the petitioner filed this petition to transfer the investigation.

4. Heard both sides and perused the records.



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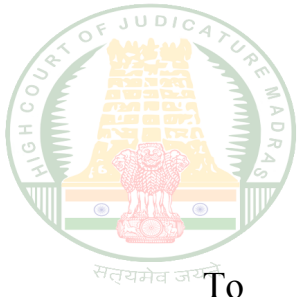
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5. According to the petitioner, the second respondent police granted bail to the accuse in Crime No.54 of 2024, whereas, for the petitioner, who is the accused in Crime No.53 of 2025, the respondent police have not granted bail. Granting of bail to the particular person for the bailable offence alone is not a ground to transfer the case and as per the second respondent, they have to conduct elaborate investigation, since the case is arising out of case and case in counter. Therefore, there are no valid ground to transfer the investigation. However, this Court directs the second respondent to conduct fair investigation. If the petitioner has any material, he can approach the second respondent. After receipt of the material from the petitioner, the second respondent also can consider the same during investigation and complete the investigation as early as possible without any delay.

6. In view of the same, recording the submission of the learned Government Advocate (Crl.Side), this Criminal Original Petition is closed.

01.04.2025

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



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To
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- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

apd

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