



CRL.OP(MD) NO.6469 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL.O.P(MD) No.6469 of 2025

Prof. Dr.T.Ashok Kumar

... Petitioner

.VS.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.2 of 2025)

2. F.Prince Vino

3. K.Paul Raj

4. K.Sundar Raj

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to transfer the investigation in Crime No.2 of 2025 pending on the file of the first respondent and transfer the same to CB-CID police or any other agency to be appointed by this Court.

For Petitioner : Mr.V.K.Sathiamurthy

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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For R2 to R4 : Mr.V.Ragavachari
Senior Counsel
for Mr.Ramesh

ORDER

This petition has been filed by the petitioner to transfer the investigation in Crime No.2 of 2025 pending on the file of the 1st respondent and transfer the same to CB-CID police.

2. The learned counsel appearing for the petitioner would submit that the petitioner is working as Principal, Marthandam College of Engineering and Technology situated at College Raod, Veeyanoor Post, Kuttakuzhi, Kanyakumari District. The petitioner was appointed as Chief Superintendent of the November-December 2024 exams by Anna University on 18.12.2024 and he is staying in the college premises and the Anna University Exams were conducted under his supervision in the college campus. While so, on 04.01.2025, a group of Advocate and anti social elements with the deadly weapons led by the accused entered into the college premises and assaulted the petitioner and the college was ransacked. They also taken a sum of Rs.20,00,000/- kept for salary and thereby, a case in Crime No.2 of 2025 was registered based on the complaint lodged by the petitioner. While so, based on the false

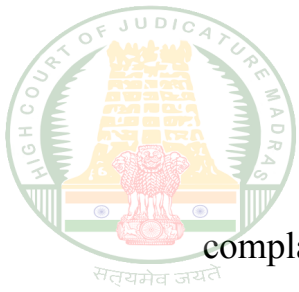


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complaint given by the one D.Jaimanohar, who is a stranger to the incident, a case against the petitioner in Crime No. 3 of 2025 was registered. The said complaint was registered at the behest of the accused who cover up the dastardly act of the accused and their Advocates. Against whom, a case in Crime No.2 of 2025 was registered. The respondent police did not make any headway but strangely allowed the accused to seek anticipatory bail in Crime No.2 of 2025 before the Principal Sessions Court, Kanyakumari in Crl.M.P.No.167 of 2025. The respondent police have not effectively defended the anticipatory bail application and further the same police registered a case against the petitioner based on the false complaint. Apart from the amount Rs. 20,00,000/- looted, the other accused and the Advocates also looted Rs.35,00,000/- from the chairman office by breaking the safe vault. Already the petitioner sent a representation for effective investigation and to transfer the case, but no action was taken. Therefore, he has filed this petition.

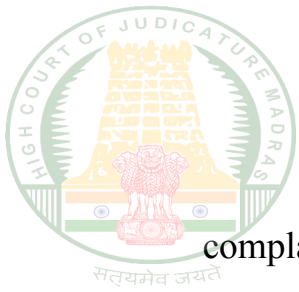
3. The learned Government Advocate (Criminal Side) appearing for the 1st respondent would submit that there is a dispute between the parties in respect of administration of college and thereby, both the parties lodged



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complaint against each other. They registered a case in Crime No.2 of 2025 based on the complaint lodged by this petitioner. Similarly, one Jai Manohar also lodged a complaint against the petitioner and they registered a case in Crime No.3 and 2025 and the same are under investigation. Since there is a case and case in counter, they have to conduct an elaborate investigation. Now the case is at initial stage and they have not even completed the investigation and they are conducting the investigation in a fair manner. There is no any specific allegations against the present investigation officer. The main allegation is that they could not defended effectively the anticipatory bail application filed by the accused in Crime No.2 of 2025. As far as the anticipatory bail application is concerned, it is the decision of the Court and the respondent police strongly opposed to grant anticipatory bail to the accused in the case. Therefore, there is no merits in the petition and liable to be dismissed.

4. The learned counsel appearing for the respondents no.2 to 4 would submit that there is a dispute between the petitioner and the second respondent in respect of administration of the college and the petitioner is not administering the college. While so, the petitioner lodged a false



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complaint against the respondents no.2 to 4 and others and based on the same, a case in Crime No.2 of 2025 was registered against the respondents and others. Similarly against the petitioner, a complaint was also lodged by D.Jainmanohar and the same is pending. At this stage, without any reason, the petition has been filed. There are no grounds to transfer the case. Therefore, the petition is liable to be dismissed.

5. This court heard both sides and perused the records.

6. According to the petitioner, he lodged a complaint against the respondents no.2 to 4 and others. Based on the same, a case in Crime No. 2 of 2025 was registered for the offences under Sections 191(2), 191(3), 324(4), 329(3), 296(b), 118(1), 351(3) and 303(2) (NP) BNSS, 2023, but the 1st respondent has not conducted a proper investigation and failed to defend the anticipatory bail application effectively. Therefore, the investigation has to be transferred. The 1st respondent, who is the investigating officer stoutly denied the allegations levelled in the petition and they also opposed to grant anticipatory bail application before the Sessions Court. By levelling the allegations that the 1st respondent has not effectively defended the anticipatory bail application alone is not a ground

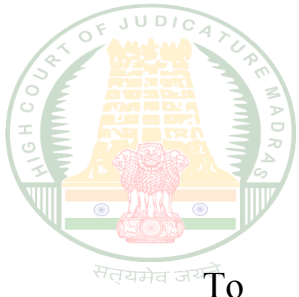


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to transfer the case and no any specific allegations levelled against the investigating agency. It is an admitted fact that there is a dispute between the parties in respect of administering the college. Since this is a case and case in counter, the investigation has to be conducted by the same officer. Now the petitioner want to transfer the case in Crime No.2 of 2025 alone. Therefore, without any valid grounds, the transfer of investigation cannot be ordered. Therefore, as discussed above, this Court is of the opinion that the transfer of investigation cannot be ordered. However, this Court directs the 1st respondent to conduct a fair investigation without any bias. At the same time, the petitioner is at liberty to produce available materials with him in respect of the crime, to the Investigating Officer. In view of the same, this Criminal Original Petition is dismissed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
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1. The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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