



CRL.OP(MD) No.6941 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD) No.6941 of 2025

Sureshguptha

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Commissioner of Police,
Office of the Commissioner of Police,
Trichy.

2. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thillainagar Sub Division,
Bheema Nagar, Trichy City.

3. The Inspector of Police,
Thillainagar Police Station,
Trichy District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to direct the respondent no.2 to withdraw the Investigation Crime No.111 of 2025 dated 17.03.2025 on the file of the respondent no.3 and entrust the same to anyone of the Assistant Commissioner of Police, Trichy City for complete the investigation and file final report relating to the said case in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.B.Dhanasekaran

For R1 to R3 : Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to direct the respondent no.2 to withdraw the investigation in Crime No.111 of 2025 dated 17.03.2025 on the file of the respondent no.3 and entrust the same to anyone of the Trichy City police.

2. According to the petitioner, he is the defacto complainant in this case and based on his complaint, a case in Crime No.111 of 2025 has been registered for the offences under Sections 296(b), 351(2) of BNSS, Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (PoA) Amendment Act, 2015. Still the 3rd respondent is conducting investigation and as per the Rule 7 of the SC/ST (PoA) Rules, 1995, not below the rank of DSP (Deputy Superintendent of Police) has to conduct the investigation. In this case, the 3rd respondent, who is the inspector of police is conducting investigation and therefore, he seeks transfer of the case from the 3rd respondent to the 2nd respondent.



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3. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that after registration of F.I.R, the 2nd respondent has conducted investigation and the same was closed as 'mistake of fact'. Therefore, transfer of investigation would not arise in this case.

4. Considering the prayer sought for in this case and already the investigation was completed by the competent authority I.e. 2nd respondent, who is the Assistant Commissioner of Police and therefore, the transfer of investigation will not arise in this case. However, if the petitioner aggrieved over the investigation, he can challenge the closure of the complaint in the manner known to law.

5. With the above said observation, this Criminal Original Petition is disposed of.

17.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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P.DHANABAL, J.

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To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Trichy.
2. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thillainagar Sub Division,
Bheema Nagar, Trichy City.
3. The Inspector of Police,
Thillainagar Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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