



Crl.O.P(MD)No.8300 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

**Crl.O.P(MD)No.8300 of 2025
and Crl.M.P(MD) No.6355 of 2025**

K.Rajasekar

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Superintendent of Police,
O/o. the Superintendent of Police,
Tenkasi District.

2. The Deputy Superintendent Of Police,
O/o the Deputy Superintendent of Police,
Tenkasi District.

3. The Inspector of Police,
Dhalavaipuram, Tenkasi District.
Crime No. 54/2025.

... Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to transfer the investigation in Cr.No.54 of 2025 dated 06.02.2025 registered u/s.296(b), 115(2), 191(2), 132 and 351(2) of BNS Act, 2023 and entrust the same to the R2 or any other competent officer by considering the petitioner's representation, dated 24.04.2025.

For Petitioner : Mr.T.Thirumurugan

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



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ORDER

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This Criminal Original Petition has been filed to transfer the investigation in Cr.No.54 of 2025 dated 06.02.2025 registered u/s. 296(b), 115(2), 191(2), 132 and 351(2) of BNS Act, 2023 and entrust the same to the 2nd respondent or any other competent officer by considering the petitioner's representation, dated 24.04.2025.

2.According to the petitioner, he is the defacto complainant in this case. Based on his complaint, a case in Cr.No.54 of 2025 has been registered and the same is pending. The present Investigation Officer has not conducted the investigation in a proper manner. He has not taken any steps to arrest the accused persons. The investigation officer colluding with the accused persons, not conducted the investigation in a fair manner. Therefore, the petitioner sent a representation seeking transfer of investigation, but the same has not been considered. Hence this petition.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that based on the complaint of the petitioner, they have registered a case in Cr.No.54 of 2025 on



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06.02.2025. The case was registered only recently and the investigation officer is conducting investigation in a fair manner and there is no specific allegations against the present Investigation Officer. Hence, the petition seeking transfer of investigation is liable to be dismissed.

4.Heard the learned counsels appearing on either sides and perused the materials available on record.

5.This petition has been filed by the petitioner seeking transfer of investigation. However, there is no specific allegation as against the present Investigation Officer. The main grievance of the petitioner is that so far the present Investigation Officer has not arrested the accused persons. It is for the Investigation Officer to decide whether arrest is necessary or not. Since the FIR was registered recently and it is a case of assault and it needs thorough investigation. The respondent police also assured to conduct fair investigation and take appropriate steps to complete the investigation. Therefore transfer of investigation without any specific ground is unnecessary one.

6.In view of the above, recording the submission of the



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learned Government Advocate (Crl.Side) appearing for the respondent police, this Court hereby direct the 3rd respondent to conduct fair investigation in Cr.No.54 of 2025 and take appropriate steps to complete the investigation without any delay and the 2nd respondent is directed to monitor the entire investigation in this case.

7.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

30.04.2025

Internet :Yes

Index :Yes/No

NCC :Yes/No

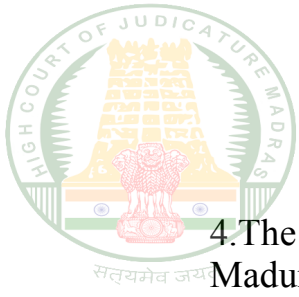
PNM

To

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Tenkasi District.

2. The Deputy Superintendent Of Police,
O/o the Deputy Superintendent of Police,
Tenkasi District.

3. The Inspector of Police,
Dhalavaipuram,
Tenkasi District.
Crime No. 54/2025.



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

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P. DHANABAL, J.

PNM

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