



CrI.O.P.(MD)No.10283 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.10283 of 2025
and
CrI.M.P.(MD)No.7681 of 2025

B.Bama

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Law and Order Police Station,
Silaiman, Madurai District.
(In Crime No.304 of 2024)

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to direct the first respondent to withdraw the case in Crime No.304 of 2024 on the file of the second respondent Police, Silaiman Police Station and entrust the same to the other investigation officer not below the rank of DSP in CBCID.

For Petitioner

: Mr.V.Rajiv Rufus,
for Mr.S.Chandra Sekar

For Respondents

: Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.



ORDER

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The petitioner, who is the defacto complainant in Cr.No.304 of 2024, has filed this petition seeking a direction to the first respondent to transfer the investigation of the above said case from the file of the second respondent to some other Police Station.

2.The learned counsel appearing for the petitioner submits that the petitioner has been cheated by one Jeyakumar. According to the learned counsel for the petitioner, the said Jeyakumar's father has pledged the property in S.No.26/2D27 and obtained loan. Thereafter, he has not paid the loan amount, for which, the property was already sold by the Bank in an auction. Suppressing the material, the said Jeyakumar sold the property to one Salomi Perumal and the said Salomi Perumal sold the same to another. This petitioner has purchased the property from one Malar. The petitioner came to know that the property has already been sold, however, it has been transferred by the said Jeyakumar. Therefore, he lodged a complaint, through registered post on 03.06.2024 and an enquiry was initiated in CSR.No.458 of 2024 on 09.07.2024. However, no enquiry was conducted by the second respondent Police. Therefore,



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the petitioner filed a writ petition in W.P.(MD)No.26334 of 2024 seeking a direction to the respondent Police to take action on her complaint. When the said writ petition was taken up for hearing, on 12.11.2024, the respondent Police has informed that a case in Cr.No.304 of 2024 came to be registered as against four persons, for the offence under Sections 61(2), 296(b), 318(4) and 351(3) BNS. Recording the same, the said writ petition was closed. Now, the petitioner has filed this petition stating that though the case has been registered on 11.11.2024, there is no progress in the investigation.

3.Mr.Ganesan, Special Sub Inspector of Police, Silaiman Police Station, who is present before this Court, is not in a position to inform the progress of the investigation in Cr.No.304 of 2024.

4.It appears that the petitioner has lodged a complaint on 03.06.2024, for which petition enquiry was initiated on 09.07.2024 and only on 11.11.2024, FIR came to be registered, that too, after filing of a direction petition before this Court. The petitioner has made out a case that though a case has been registered on 11.11.2024, no steps have been taken by the second respondent Police on the complaint. The Police



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Officer, who is present along with CD file, is also not in a position to explain the steps taken by the Investigating Officer in the course of investigation. Therefore, this Court is of the view that the investigation in Cr.No.304 of 2024 has not been conducted by the second respondent Police in a proper manner. Therefore, the first respondent is directed to withdraw the case in Cr.No.304 of 2024 from the file of the second respondent and entrust the same to the Inspector of Police, District Crime Branch, Madurai District.

5.In the result, this criminal original petition is allowed.
Consequently, connected miscellaneous petition is closed.

19.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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- 2.The Inspector of Police,
Law and Order Police Station,
Silaiman, Madurai District.
- 3.The Inspector of Police,
District Crime Branch,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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