



Crl.O.P.(MD)No.10945 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 27.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10945 of 2025

Kadhar Yusuf

... Petitioner

Vs

1.The State of Tamilnadu,
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,
Tenkasi Police Station,
Tenkasi District.
Crime No.10 of 2025

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the third respondent to withdraw the investigation in respect of Crime No.10 of 2025, on the file of the third respondent and consequently direct the first respondent to transfer the same to the second respondent or any other competent police officer.



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For Petitioner	: Mr.SMA Jinnah
For Respondents	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor

ORDER

The petitioner has lodged a complaint before the Tenkasi Police Station that her husband died in a hospital on 06.01.2025, while he was taking treatment. Based on the complaint, a case in Crime No. 10 of 2025 under Section 194 of BNSS was registered on the same day. The petitioner with an apprehension that the respondent police has not conducted the investigation in a proper manner, has filed this application, seeking transfer of investigation from the file of the Tenkasi Police station to some other police station.

2.The learned counsel for the petitioner submits that there was a dispute between the petitioner's husband and his brothers with regard to partition of joint properties. In order to discuss the same, one Mujibur Rrahman, who is the son of the deceased's brother has invited the petitioner's husband to their house on 04.01.2025, wherein, they have attacked him with deadly weapon and also kicked him. Therefore he



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sustained grievous injury and he was immediately taken to hospital for treatment. Inspite of best treatment provided to him, he died on 06.01.2025. According to the petitioner, the respondent police has not conducted the investigation properly and hence, she seeks transfer of investigation.

3. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor, who takes notice for the respondents submits that the petitioner's husband said to have fell down in his brother's house on 04.01.2025. He was admitted in a hospital and took treatment. Despite the treatment, he died on 06.01.2025. Therefore, this petitioner has lodged a complaint on the same day, based on which, a case in Crime No.10 of 2025 was registered. In the complaint dated 06.01.2025, this petitioner has not made any averment as against anybody. However, this petitioner is now making all these allegations against some private persons. The respondent police claimed that they have conducted an investigation and filed the final report before the Judicial Magistrate, Tenkasi, through e-filing No. 10/25 C202500483 on 10.05.2025 as "further action dropped".



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4.The learned counsel for the petitioner once again reiterates that the respondent police has closed the complaint of this petitioner without conducting the investigation in a proper manner.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.Admittedly, there is no specific averment in Crime No. 10 of 2025 by the petitioner as against anybody. However, the petitioner has now made an allegation as against the respondent police that they have not conducted the investigation in a proper manner. On the side of the respondent police, it is claimed that they have conducted the investigation and and filed the final report before the Judicial Magistrate, Tenkasi.

7.In view of the above, this Court is not inclined to entertain this petition. However, the respondent police is directed to furnish a copy of the final report in Crime No.10 of 2025 along with postmortem certificate to this petitioner, enabling her to work out her remedy in the



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manner known to law. Consequently, connected Miscellaneous Petition is closed.

27.06.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

vrn

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,
Tenkasi Police Station,
Tenkasi District.
Crime No.10 of 2025



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B.PUGALENDHI,J

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Order made in
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