



Crl.O.P.(MD)No.11590 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11590 of 2025

and

Crl.M.P.(MD).No.8802 of 2025

1.Xavier Viju

2.Vargeesh

3.Ramani

4.Raja

5.Sibi

... Petitioners

Vs

1.State of Tamilnadu rep. by,
Rep. by, The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.State Rep. by,
The Inspector of Police,
AWPS Colachel Police Station,
Kanyakumari District.
(In Crime No.14 of 2025)



Crl.O.P.(MD)No.11590 of 2025

WEB COPY

3.The Inspector of Police,
CBCID,
Nagercoil,
Kanyakumari District.

4.Merin Bindhiya

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS,
to direct the first respondent to transfer the investigation of the case in
Crime No.14 of 2025 on the file of the second respondent to the third
respondent.

For Petitioners
For R1 to R3

: Mr.J.Sivaram
: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioners/accused Nos.1 to 5 in Crime No.14 of 2025 have
filed this application seeking transfer of investigation in Crime No.14
of 2025 on the file of the second respondent to the third respondent.

2.The learned counsel for the petitioner submits that the fourth



Crl.O.P.(MD)No.11590 of 2025

WEB COPY

respondent/defacto complainant is the wife of the first petitioner and she has lodged complaint against the petitioners for the offences under Sections 498(A) and 406 of IPC and 4 of Dowry Prohibition Act, 1961, after 14 years from the date of marriage. According to the petitioners, the fourth respondent/defacto complainant is in illegal affair with one Labularthoos S/O.Siluvai. When the same has been questioned by the petitioners, the present case has been foisted against the petitioners. He further submits that under the influence of the said Labularthoos, the respondent police hurriedly registered the case without even referring the matter to the Social Welfare Officer.

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

4.The grounds raised by the petitioners can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is



Crl.O.P.(MD)No.11590 of 2025

WEB COPY

expected to conduct the investigation in a fair and proper manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by the petitioners herein can very well be appreciated by the investigating officer during the course of investigation.

5.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

6.Therefore, this petition is closed with a direction to the Deputy Superintendent of Police, Nagercoil, Kanyakumari District, to monitor the investigation in Crime No.14 of 2025 on the file of the second respondent. The investigating officer is at liberty to conduct the investigation by considering the points raised by the petitioners/accused in this application, during the course of investigation. The petitioners shall place all the materials before the investigating agency. Consequently, the connected miscellaneous



Crl.O.P.(MD)No.11590 of 2025

petition is also closed.

WEB COPY

14.07.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

vsg

To

- 1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 2.The Inspector of Police,
AWPS Colachel Police Station,
Kanyakumari District.
(In Crime No.14 of 2025)
- 3.The Inspector of Police,
CBCID,
Nagercoil,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.11590 of 2025

B.PUGALENDHI,J

vsg

Order made in
Crl.OP(MD)No.11590 of 2025

14.07.2025