

WP.CRL.(MD)No.449 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.CRL.(MD)No.449 of 2025
and
WMP.CRL.(MD)No.124 of 2025

Perumal

... Petitioner

Vs.

- 1.The Inspector of Police,
South Zone, Madurai.
- 2.The Superintendent of Police,
Madurai.
- 3.The Deputy Superintendent of Police,
Vadipatti Division,
Madurai District.
- 4.The Inspector of Police,
Vadipatti Police Station,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first and second respondents to transfer the final report No.432/2021 pertaining to SC.No.433 of 2022 pending before the Chief Judicial



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Magistrate, Madurai from the file of the fourth respondent Police Station to any other independent agency or higher official of any other division and consequently direct them to conduct further investigation in Final Report No.432/2021 pending on the file of the fourth respondent and file additional or supplementary final report.

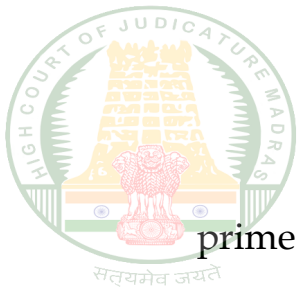
For Petitioner : Mr.K.K.Udayakumar

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

ORDER

The petitioner is the defacto complainant in SC.No.433 of 2022 pending on the file of the learned Chief Judicial Magistrate, Madurai. He has filed this petition seeking a direction to transfer the said case to some other investigating agency for further investigation.

2.The case in Cr.No.431 of 2021 was registered on 30.09.2021. The Sub Inspector of Police, one Mr.Murugesan has recorded statement of the petitioner, who has taken treatment at that point of time and lodged a complaint with an specific averment about two



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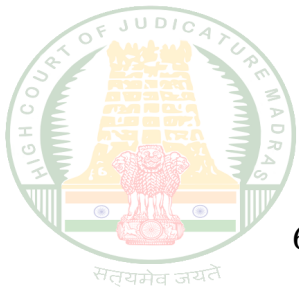
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prime accused, who are belonging to ruling political party. However, their names have been omitted and therefore, the petitioner filed the present petition.

3.The learned counsel appearing for the petitioner has relied on the judgment of the Hon'ble Supreme Court in a case of Anant Thanur Karmuse Vs. The State of Maharashtra & Ors reported in 2023(5) SCC 802 and submits that the Hon'ble Supreme Court has permitted transfer of investigation, even after filing of the final report.

4.The learned Additional Public Prosecutor appearing for the respondents submits that the petitioner has filed the present petition to have some negotiation with the accused and he is not inclined to proceed with the trial and therefore, after receiving summons, he has filed the present petition.

5.This Court has considered the submissions made on either side and perused the available materials.



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6.Fact remains that the final report in Cr.No.431 of 2021 was filed on 13.11.2021 in PRC.No.26 of 2022. Thereafter, it has also been committed to the Court of Sessions in S.C.No.433 of 2022 and now the case is pending on the file of the learned Chief Judicial Magistrate, Madurai. It is also reported that summons to L.W.1 to L.W.11 were served. At this stage, the petitioner has filed the present petition. The petitioner has not followed up the case for the past four years and has filed this petition only when the case was posted for trial.

7.Section 358 BNSS enables the trial Court to add any accused even during the trial. In the event, during evidence, the trial Court concludes that the two other accused have also involved in this case, the trial Court can very well take a call on the same. Therefore, this Court is not inclined to entertain this petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

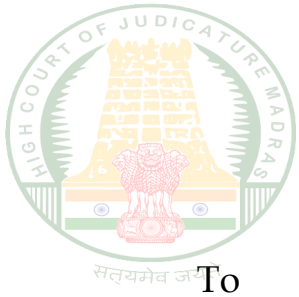
09.07.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

<https://www.mhc.tn.gov.in/judis>



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- 3.The Deputy Superintendent of Police,
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- 4.The Inspector of Police,
Vadipatti Police Station,
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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