



Crl.O.P.(MD)No.12886 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12886 of 2025

Kombaiya

... Petitioner

versus

1. State of Tamil Nadu, rep. by
The Superintendent of Police,
O/o.The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
Kayathar,
Thoothukudi District.

3. The Inspector of Police,
CBCID,
Thoothukudi,
Thoothukudi District.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to transfer the investigation in Crime No.219 of 2025 on the file of the Inspector of Police, Kayathar Police Station, Thoothukudi District, dated 19.06.2025 to the file of the 3rd respondent and consequently, direct the 3rd respondent herein to conduct fresh and fair enquiry.

For Petitioner : M/s.M.Alagu Meen Raju



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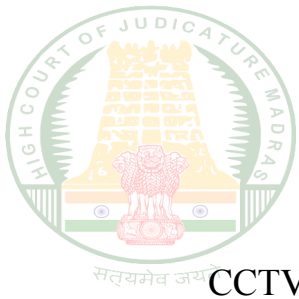
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For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner, who is the defacto complainant in Crime No.219 of 2025, has filed this petition seeking to transfer the investigation in Crime No.219 of 2025 on the file of the Inspector of Police, Kayathar Police Station, Thoothukudi District, dated 19.06.2025 to the file of the 3rd respondent

2. The learned counsel appearing for the petitioner submits that the petitioner's brother-in-law died in a fatal accident said to have taken place on 19.06.2025, for which, a case has been registered in Crime No.219 of 2025. However, the respondent Police has not identified the vehicle involved in the commission of offence. According to the learned counsel for the petitioner, there is a CCTV Camera just 40 meters away from the accident spot. The respondent Police has not recovered the CCTV footage available in the camera. The petitioner, on his own, has taken certain efforts to collect the CCTV footage. However, the private person is not inclined to provide CCTV footage to the petitioner. It is the police, who can collect the



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CCTV footage. However, the police are not showing any interest to collect the CCTV footage.

3. The learned Additional Public Prosecutor submits that the respondent Police undertakes to verify the same and collect the materials and try to find out the real culprit.

4. This Court considered the rival submissions made.

5. The petitioner as a private individual cannot conduct an investigation and recover the materials even if anything available near the place of occurrence. No doubt, the occurrence has taken place in the night hour at 8.30 p.m. and no one has witnessed the vehicle, which caused the accident. The petitioner claims that there is a CCTV Camera just 40 meters away from the place of occurrence. However, the respondent Police has not identified the same. It is very unfortunate that the respondent Police has not taken any initiative to recover the CCTV footage which is available in the place of occurrence.



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6. Accordingly, this Criminal Original Petition is disposed of with a direction to the Deputy Superintendent of Police, Kovilpatti Sub Division, to monitor the investigation, recover the CCTV footage if any available in the place of occurrence without any further delay. In the event, if the respondent Police fails to conduct the investigation, then, this Court would be constrained to permit the petitioner to conduct the investigation.

31.07.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Thoothukudi District.
2. The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.
3. The Inspector of Police,
Kayathar,
Thoothukudi District.
4. The Inspector of Police,
CBCID,
Thoothukudi,
Thoothukudi District.



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WEB COPY 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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