

Crl.O.P.(MD)No.12863 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

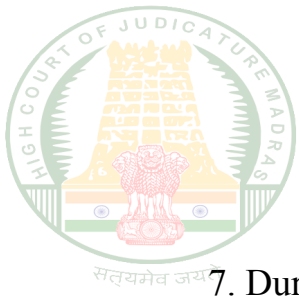
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Mahesh Raja

... Petitioner

versus

1. The State of Tamil Nadu, rep. by
The Deputy Inspector General,
Tirunelveli District,
Tirunelveli.
2. The State of Tamil Nadu, rep. by
The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
3. The State of Tamil Nadu, rep. by
The Assistant Superintendent of Police,
Nanguneri,
Tirunelveli District.
4. The State of Tamil Nadu, rep. by
The Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Tirunelveli District.
5. Naveen
6. Rajesh



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7. Duraipandi

8. Kumaravel

9. Sakthivel

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the 1st and 2nd respondents transfer the investigation officer in FIR in Crime No.370 of 2025 dated 16.06.2025, from the 4th respondent to 3rd respondent on the basis of the petitioner's representation dated 16.06.2025.

For Petitioner : Mr.P.M.Vishnu Varthanan

For R1 to R4 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner, who is the defacto complainant in Crime No.370 of 2025 on the file of the 4th respondent Police, has filed this petition seeking a direction to transfer the case in Crime No.370 of 2025 from the file of the 4th respondent Police to some other investigation agency.

2. The petitioner has made an allegation that there was an incident on 12.06.2025 at about 1.00 p.m. in his house, for which, a complaint has been lodged by his father before the respondent Police and the same was registered in Crime No.359 of 2025. Thereafter, the accused has abducted

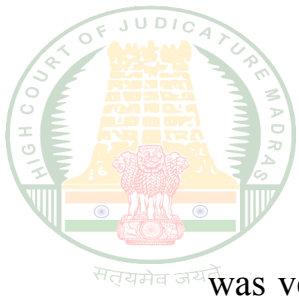


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the petitioner and his family members and again, committed another offence in his house. According to him, the entire house has been looted. Therefore, the petitioner has lodged a complaint and the same has been registered in Crime No.370 of 2025 on 16.06.2025. However, the respondent Police has not conducted the investigation in a proper manner. Therefore, the petitioner has filed this petition seeking transfer of investigation in Crime No.370 of 2025 from the file of the 4th respondent Police to some other investigation agency.

3. The learned Additional Public Prosecutor submits that there is a property dispute between the petitioner and the accused in Crime No.370 of 2025. There was yet another incident on 12.06.2025, in which, the petitioner's brother one Kannan has lodged a complaint and the case has been registered in Crime No.358 of 2025. Thereafter, the case in Crime No. 359 of 2025 was registered at the instance of the petitioner's father. For the subsequent incident said to have taken place on 12.06.2025, the petitioner has lodged a complaint through on-line on 16.06.2025 and the same was registered in Crime No.370 of 2025 on 16.06.2025 for the offences under Sections 189(2), 329(1), 296(b), 115(2), 118(1), 351(3) of BNS 2023. According to him, the investigation reveals that the petitioner Mahesh Raja



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was very much present in the place of occurrence. However, the petitioner has preferred this complaint after four days. The petitioner has also made an allegation that the accused have already caused damage to the property by using JCB. But, the investigation reveals that no such JCB was available in the place of occurrence on the date of occurrence. The petitioner further claims that the entire house has been ransacked and 50 sovereigns of gold jewels have been taken away by the accused. But, no proof has been placed before the investigation agency and also before this Court. The petitioner has not substantiated the looting of his house. Therefore, according to the learned Additional Public Prosecutor, this petitioner, exaggerating the incident said to have taken place on 12.06.2025, lodged a subsequent complaint with afterthought on 16.06.2025.

4. This Court considered the rival submissions made.

5. The occurrence itself has taken place on 12.06.2025 and this complaint in Crime No.370 of 2025 was lodged only through on-line and the same was registered by the respondent Police on 16.06.2025 for the offences under Sections 189(2), 329(1), 296(b), 115(2), 118(1), 351(3) of BNS 2023. The investigation may be at the initial stage. With the available



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materials, this Court is not inclined to entertain this petition to transfer the investigation from the file of the 4th respondent Police to some other investigation agency. However, the respondent Police is duty bound to conduct the investigation in a fair and proper manner.

6. Since the petitioner is raising a doubt with regard to conduct of investigation in Crime No.370 of 2025, this Court directs the Deputy Superintendent of Police, Valliyoor, Tirunelveli District, to monitor the investigation and ensure that the investigation is conducted in a proper manner.

7. Accordingly, this Criminal Original Petition is closed.

31.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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To

1. The Deputy Inspector General,
Tirunelveli District,
Tirunelveli.
2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
3. The Deputy Superintendent of Police,
Valliyoor,
Tirunelveli District.
4. The Assistant Superintendent of Police,
Nanguneri,
Tirunelveli District.
5. The Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Tirunelveli District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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