



Crl.O.P.(MD)No.13316 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13316 of 2025

Ashok

... Petitioner

versus

1. State of Tamil Nadu,
Rep. by the Commissioner of Police,
O/o. The Commissioner,
Madurai District.
2. The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
SS Colony Police Station Premises,
Madurai District.
3. The Inspector of Police,
SS Colony Police Station,
Madurai District.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the 1st respondent to transfer the investigation in connection with the Crime No.147 of 2024 dated 21.03.2024 on the file of the 3rd respondent to any other competent investigation agency within the time frame that may be stipulated by this Court by considering the petitioner's representation dated 21.07.2025.



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For Petitioner : Mr.T.Lajapathi Roy,
Senior Counsel
for Mr.A.Balaji

For R1 to R3 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner is the accused No.1 in Crime No.147 of 2024 on the file of the 3rd respondent, registered for the offence under Sections 294(b), 323 and 506(i) of IPC and Section 3 of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. He has filed this petition seeking transfer of investigation from the file of the 3rd respondent to any other competent investigation agency.

2. The learned Senior Counsel appearing for the petitioner submits that in a property dispute, in order to fix the petitioner as accused, the respondent Police has foisted this false case at the instance of the defacto complainant. The learned Senior Counsel submits that they are prepared to furnish the particulars of call details to the investigating agency to establish that the petitioner was not present at the place of occurrence during the course of incident as projected by the prosecution.



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3. The learned Additional Public Prosecutor submits that the accused cannot choose the investigation. He further submits that the investigation has been completed and final report has already been filed before the learned Judicial Magistrate No.V, Madurai, through e-filing in No.LTN202500351 on 29.03.2025.

4. This Court considered the rival submissions made.

5. Fair investigation, as clarified by the Hon'ble Supreme Court, is a right of an accused also. Here in this case, the respondent Police submits that they have filed the final report. However, it has not been taken on file. Mere filing of the final report through e-filing is not sufficient. The respondent Police shall ensure that the final report is taken on file within a reasonable time. A duty is also cast upon the trial Court to take the final report on file without any delay.

6. Since the final report in Crime No.147 of 2024 has been filed before the learned Judicial Magistrate NoV, Madurai, this Criminal Original



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Petition is closed. It is open to the petitioner to challenge the final report in the manner known to law.

08.08.2025

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

1. The Commissioner of Police,
O/o. The Commissioner,
Madurai District.
2. The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
SS Colony Police Station Premises,
Madurai District.
3. The Inspector of Police,
SS Colony Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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