

Crl OP(MD)No.14129 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26.08.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl OP(MD)No.14129 of 2025

Venilatha

... Petitioner

versus

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

2.The State rep by,
The Inspector of Police,
Kadambur Police Station,
Thoothukudi District.
[Crime No.81 of 2023]

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, to transfer the investigation in Crime No.81 of 2023 dated 25.10.2023 pending on the file of the 2nd respondent and further direct the 1st respondent to investigate into the case in Crime No.81 of 2023 dated 25.10.2023 and to file the final report.



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For Petitioner : Mr.S.Muthu Vinayagam

For Respondents : Mr.AS.Abul Kalaam Azad,
Government Advocate (Crl. side)

ORDER

The petitioner is a victim in Crime No.81 of 2023. According to the petitioner some unknown person has snatched away 7 sovereigns of two chains from the petitioner. On the complaint of this petitioner, a case was registered on 25.10.2023 as against an unknown person for the offence under Sections 341, 392 and 506(2) of IPC. The respondent police have not identified the accused and have not concluded the investigation. Therefore, the petitioner is before this court.

2.The learned counsel for the petitioner submits that the petitioner has produced the photograph of the accused to the respondent police, despite the same they have not arrested the accused.



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3.The learned Government Advocate (Crl Side) appearing for the respondent police submits that they are suspecting someone as an accused and they have also collected the photograph and handed over to the petitioner for identification. He further submits that the person whom they are suspecting is having 45 cases to his credit, his whereabouts are not known and they are taking steps to arrest him.

4.This court considered the rival submissions made.

5.The occurrence had taken place in the month of October 2023, wherein 7 sovereigns of gold chains were snatched away for which the complaint was lodged and a case has been registered. CCTV cameras are available almost everywhere. If sincere investigation has been conducted by the respondent police by verifying the CCTV cameras in and around the place of occurrence, the accused could have been identified. However, it appears that



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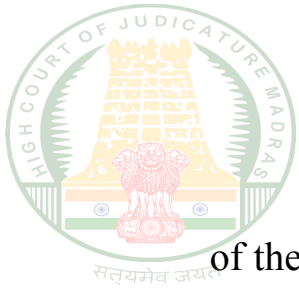
there was no sincere investigation from the respondent police.

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6.The petitioner in the typed set of papers has enclosed the photograph of the accused and submits that this photograph was given to the police for identifying the accused. The learned Government Advocate disputed the same that the respondent police only furnished this photograph to the petitioner for identification of the accused.

7.The petitioner / victim has identified a person as an accused, who, according to the learned Government Advocate, is having 45 cases to his credit and his whereabouts are not known.

8.This court is unable to understand the submission of the respondent police that they are not in a position to trace the accused, who is having 45 cases to his credit. Once criminal case is registered, the police are expected to collect the finger prints and the accused would be released on bail on production of sureties and the sureties provided by the accused must be knowing the whereabouts



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of the accused.

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9. This court is of the view that the respondent police have not bothered about the petitioner and have not conducted the investigation properly. Therefore, this court is inclined to transfer the investigation from the file of the 2nd respondent police. Accordingly this petition is allowed with the following directions:

i. The 1st respondent / Superintendent of Police is directed to withdraw the case in Crime No.81 of 2023 and to entrust the same to some other sincere police officer for further investigation.

ii. The 1st respondent is also expected to verify with regard to the apprehension expressed by the petitioner as to the manner in which the investigation was conducted and initiate appropriate disciplinary proceedings as against the erring officials. He is also expected to ensure that the majesty and the dignity of the department is preserved.

26.08.2025

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To

- 1.The Superintendent of Police,
Thoothukudi District.
- 2.The State rep by,
The Inspector of Police,
Kadambur Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

DSK

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