



Crl.O.P.(MD)No.15219 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15219 of 2025

N.Sivasethuraja

... Petitioner/Accused No.1

Vs.

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

2.The Superintendent of Police,
CBCID,
Chennai.

3.The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
(Crime No.133 of 2025). Respondents 1 to 3

4.R.Giritharan Sing ... 4th Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to pass an order of direction to transfer the investigation in Crime No.133 of 2025 on the file of the 3rd respondent police to 2nd respondent for fair investigation.

For Petitioner : Mr.A.Senthilkumar

For R-1 to R-3 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed for a direction to transfer the investigation in Crime No.133 of 2025 from the file of the third respondent to the second respondent.

2. It is alleged in the FIR that the petitioner was involved in an accident, which caused the death of the deceased and hence, the complaint was lodged in Crime No.133 of 2025 for the offence under Section 106 of BNS.

3. It is the case of the petitioner that on 27.06.2025 at about 9.40 PM, while he was driving his vehicle, namely, the car bearing Reg.No.PY 05 A 6666, another car proceeding in the second track had collided with the deceased person, who attempted to cross the road and the deceased was thrown on the bonnet of the petitioner's car, which caused damage to his vehicle; that the petitioner had informed about the accident to the Police control room; that he voluntarily went to the Police Station and told them about the occurrence; that however, the petitioner was falsely shown as the accused in the FIR; that inspite of representing the true



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facts, the third respondent had not bothered to take that into consideration; that thereafter, the third respondent, without even verifying whether Section 106 of BNS had come into force, had altered the offence to Section 106(2) of BNS; and that hence, the investigation, which is conducted in a biased manner, ought to be transferred.

4. The learned Additional Public Prosecutor would submit that though the alteration of the offence to Section 106(2) of BNS cannot be sustained, the third respondent however had collected evidence and is ready with the final report, which would be filed within a period of two weeks. He would also submit that the petitioner's representation would be considered before filing the final report.

5. Though it is the case of the petitioner that the third respondent is proceeding on the basis that the petitioner is involved in the offence and have not taken into consideration his representation, this Court is of the view that since the final report is ready, the investigation need not be transferred at this stage. Therefore, it is desirable that the final report is filed. If the final report is adverse to the petitioner and the petitioner is able to establish that the final report is misconceived, it is needless to say



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that the petitioner would be at liberty to seek appropriate remedy in the manner known to law.

6. However, to ensure fairness, this Court is of the view that before filing of the final report, the third respondent may seek approval of the Deputy Superintendent of Police of the jurisdiction.

7. With the above observations, this Criminal Original Petition is disposed of.

06.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm/ars



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To

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- 1.The Superintendent of Police,
Thanjavur District.
- 2.The Superintendent of Police,
CBCID, Chennai.
- 3.The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm/ars

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