



Crl.O.P.(MD)No.22101 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.11.2025

PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD)No.22101 of 2023

Anitha

... Petitioner

Vs.

1. The Superintendent of Police,
Thanjavur District.

2. The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.

3.TheInspector of Police,
Pappanadu Police Station,
Thanjavur District.
(Crime No.532 of 2022)

... Respondents

For Petitioners : Mr.G.Karan

For Respondents : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.Side)

PRAYER :- Criminal original petition filed under Section 482 of Cr.P.C. to withdraw and transfer the investigation in Crime No.532 of 2022 on the file of the 3rd respondent and to any other impartial Investigation Agency.



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ORDER: The Court made the following order :-

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The present petition is filed to withdraw and transfer the investigation in Crime No.532 of 2022 on the file of the 3rd respondent and to any other impartial Investigation Agency.

2.The case of prosecution is that on 11.07.2022 at about 09.30 AM, some unknown persons came in Indica DLS car and intercepted the petitioner and kidnapped her in the same car followed by the one another person. They took the petitioner to an isolated cashew nut thoppu and removed the dress, videographed in the cell phone of the kidnapper and in the petitioner's cell phone. The petitioner's mobile, jewels and money to the tune of Rs.1000/- and sim card with No.7639272390 were taken away. They threatened the life of the petitioner and the petitioner's children. Immediately, the petitioner preferred a complaint before the respondent and he registered it on 12.07.2022 in Crime No.532 of 2022 for the offences under Sections 341, 366, 379, 354, 323 and 506(ii) of IPC.

3.In the meanwhile, the petitioner was not satisfied with the investigation. Hence, this petition was filed before this Court on 04.12.2023 for transferring the investigation. However, the respondent Police have filed a



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final report but the same has not been taken on record by the Judicial Magistrate. Therefore, this Court ordered to keep the final report in abeyance.

However, without noticing the said order passed by this Court, the Judicial Magistrate has taken cognizance in C.C.No.211 of 2025 wherein it has been clearly stated that the alleged mobile phone involved in the crime ie., Redmi 910 and the SIM card were not recovered.

4.According to the petitioner, the accused arrayed in the present case are only the hoogly ones and the real offender was not included in the FIR and the final report. When a report was called for from the Judicial Magistrate, vide letter, dated 13.11.2025, the Judicial Magistrate has stated as under:

"2. I most humbly submitted before your Lordship that cell phone which was alleged to be involved in the offence was not seized by the investigation officer and not produced before this Court at any time. And also it is pertinent to note that at no place the investigation officer explained the best steps taken by the Investigation Officer to seize the alleged mobile phone and failed to explain this Court the reason for not seizing the mobile phone involved in the alleged offence. Hence I most Humbly submit that the alleged mobile phone was not brought before this court at any time."

It is seen that the Judicial Magistrate has taken cognizance without the alleged mobile phone which is important for this case.



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5. Therefore, the this Court is of the considered opinion that the investigation was not conducted properly by the respondents. The Judicial Magistrate has also left the real portion of the investigation. Therefore, this Court is directing the second respondent, Deputy Superintendent of Police, to re-investigate the case and the first respondent shall supervise the investigation. It is specifically directed to recover the mobile phone, which is vital in the present case. Without the recovery of the mobile, there cannot be further investigation at all and there cannot be any justice in the present case. Therefore, the Police is strictly directed to recover the mobile phone.

6. With the above said observations, the criminal original petition is allowed.

19.11.2025

TMG



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1. The Superintendent of Police,
Thanjavur District.
2. The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.
3. The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J

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ORDER
IN
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