

Crl.O.P.(MD) No.22752 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

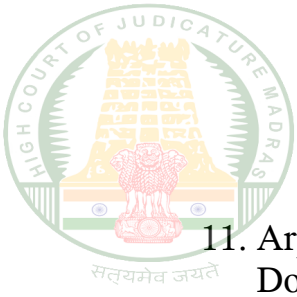
CRL. OP(MD). No.22752 of 2024

J.Saravana Kumar

... Petitioner

Vs.

1. The Superintendent of Police
Virudhunagar
Virudhunagar District
2. The Deputy Superintendent of Police
District Crime Branch
Virudhunagar, Virudhunagar District
3. The Inspector of Police
District Crime Branch-I
Virudhunagar District
4. The Superintendent of Police
City Crime Branch- II
No.220, Pantheon Road-I
Old Commissioner Office Complex
Egmore, Chennai
5. N.S.Mani
6. Selvam
7. Senthil Kumar
8. Mathivanan
9. Hariram
10. The Sub Registrar
Sattur Sub Registrar Office
Virudhunagar District



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11. Arputhavalli
Document Writer
D/o.M.K.Santhanmarimuthupillai
Avudaiyarpuram
Virudhunagar Taluk
Virudhunagar District

... Respondents

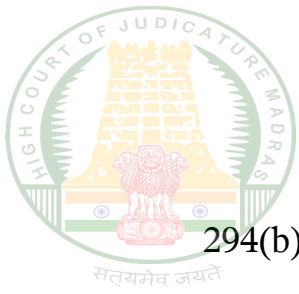
PRAYER: Criminal Original Petition filed under Section 528 of BNSS to direct the first respondent to transfer the investigation in Crime No.10 of 2024 on the file of the third respondent to the fourth respondent herein and direct him to complete investigation within time frame fixed by this Court.

For Petitioner : Mr.D.Dhanachandra Prakash
For Respondents : Mr.M.Sakthi Kumar
No.1 to 4 : Government Advocate (Crl. Side)
No.11 : Mr.C.M.Arumugam

ORDER

This Criminal Original Petition has been filed to transfer the investigation of the case in Crime No. 10 of 2024 on the file of the third respondent to the fourth respondent.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the defacto complainant in this case and based on the complaint given by the petitioner a case has been registered in Crime No. 10 of 2024 for the offences under Sections 120(b),420, 465, 468, 471,



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294(b) and 506(2) of IPC. After registering the First Information Report from 03.10.2024 the third respondent did not take steps to arrest A6 to A9, who enjoyed the benefits of cheating. He only arrested the fifth respondent and obtained formal confession statement as an eye wash. During court hearing the third respondent teased the petitioner and challenged that the respondents 6 to 9 could never be arrested. The seventh respondent is the Panchayat President and 8th respondent is his brother. The sixth respondent is co-brother of another Village President . The ninth respondent is the brother's son of the sixth respondent. Therefore investigation is not conducted in a proper manner and therefore he has filed this petition for transfer of investigation from the file of the third respondent to fourth respondent.

3. The learned Government Advocate(Crl.Side) appearing for the respondents 1 to 4 would submit that based on the complaint lodged by the petitioner the third respondent registered a case in Crime No.10 of 2024 for the offences under Sections 120(b),420, 465, 468, 471, 294(b) and 506(2) of IPC. Thereafter he has conducted investigation in a proper manner and already they recorded statements of witnesses and obtained materials during investigation. At the time of filing anticipatory bail



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application they opposed to grant bail to the accused. They are also taking steps to secure the accused. The false allegation has been levelled against the investigation officer without any materials. Non arrest of accused alone is not a ground to transfer the case, therefore this petition has no merits and deserves to be dismissed.

4. The learned counsel appearing for the private respondents also prayed to dismiss the petition.

5. Heard both sides and perused the materials available on record.

6. The prayer in this case is to transfer the investigation of the case in Crime No.10 of 2024 on the file of the third respondent to fourth respondent for conduct of fair investigation. According to the petitioner after registration of the First Information Report the third respondent has not conducted proper investigation and not even arrested the accused. The fifth accused had approached this Court for anticipatory bail and this Court has also granted bail. Therefore all the accused colluded with the third respondent, thereby the third respondent has not conducted proper investigation and to substantiate the same no any materials produced by



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the petitioner and without any materials the petitioner has made allegation as against the investigation officer. Per contra, the learned Government Advocate(Crl.Side) appearing for the investigation officer would submit that the investigation in this case is going on in a proper manner and they will complete the investigation and file final report as per law.

7. Without any materials and only based on the allegation of non arrest of accused is not a ground to transfer investigation. It is well settled law that arrest of accused is concerned, it is for the investigation officer to decide whether arrest is essential or not. More over non arrest of the accused is not a sole ground to transfer the case and therefore the petition has no merits and deserves to be dismissed.

8. In the result, the Criminal Original Petition stands dismissed.

17.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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4. The Superintendent of Police
City Crime Branch- II
No.220, Pantheon Road-I
Old Commissioner Office Complex
Egmore, Chennai
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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