



WEB COPY

CrI.O.P.(MD)No.22805 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.22805 of 2024

R.Pushpam

... Petitioner

-Vs-

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Mudhukulathur Division,
Ramanathapuram District.

3.The Inspector of Police,
Ilenchembur Police Station,
Ramanathapuram District,
In Crime No.88 of 2024.

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to transfer the investigation in Crime No.88
of 2024 on the file of the second respondent to third respondent to
further investigate the case and file the final report.

For Petitioner
For R1 to R3

: Mr.P.Ranjith Kumar
: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



ORDER

WEB COPY

The Criminal Original Petition has been filed seeking transfer of investigation in Crime No.88 of 2024 on the file of the second respondent to third respondent to further investigate the case and file the final report.

2.The petitioner had lodged a complaint against one Lingam and two others and the case has been registered in Crime No.88 of 2024 for the offence under Sections 296(b), 329(3), 351(2) of BNS and Section 4 of the TNPWH Act was registered. Though the case has been registered, the accused persons are still indulging in trespassing into the property of the petitioner and committing threat. The respondent police had so far not taken any action against them and the accused persons are emboldened and are continuously harassing the petitioner. Hence, the petitioner seeks to transfer the investigation to the higher officials or to some other police.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint of the petitioner, a case in Crime No.88 of 2024 has been registered against the accused persons and in that case, the accused had obtained anticipatory bail from the



Sessions Court in Case No.46 of 2024. One of the conditions is that the accused persons should appear before the respondent police at 10.30 a.m., for a period of 30 days. They have failed to comply with the said conditions. Hence, the third respondent filed cancellation of bail petition before the Magistrate Court No.II, in CrI.M.P.No.6919 of 2024 and notice has been served to the accused therein. He submitted that the respondent police is conducting investigation without any delay.

4.The learned counsel for the petitioner submits that on the one other, the respondent police submits that notice could not be served on the accused persons and on the other hand, the accused persons are coming to the petitioner's land and threatening him regularly.

5.The learned Additional Public Prosecutor submits that proper instructions would be given to the respondent police and ensure that the petitioner is not threatened any further. He further submitted that in this case, the investigation undertaken by the third respondent shall be directed to be monitored by the Deputy Superintendent of Police/ second respondent herein.

6.Heard the learned counsel appearing on either side and perused the materials placed on record.



7.It is seen that the petitioner is a lessee and she has been threatened and abused by the accused persons. The investigation is in the midway. Hence, the second respondent is directed to monitor the investigation undertaken by the third respondent and file the final report without any further delay.

8.This Criminal Original Petition is disposed of on the above terms.

03.01.2025

Index : Yes/No

Internet : Yes/No

ta

To

- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Mudhukulathur Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Ilenchembur Police Station,
Ramanathapuram District,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.22805 of 2024

M.NIRMAL KUMAR,J.

ta

Crl.O.P(MD)No.22805 of 2024

03.01.2025