



Crl.O.P.(MD)No.1048 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.01.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

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Ganesan

... Petitioner

Vs.

The State of Tamil Nadu Represented by its

1. The Superintendent of Police,
Theni.

2. The Additional Deputy Superintendent of Police,
Uthamapalayam.

3. The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Cr.No.757 of 2025.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to direct the 1st respondent to transfer the investigation in Cr.No.757 of 2025 pending on the file of 3rd respondent to the any other police station or any other competent investigation agency and complete the investigation in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.A.Sivasubramanian

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (Crl.)



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ORDER

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This petition has been filed seeking to transfer the investigation in Cr.No. 757 of 2025 pending on the file of 3rd respondent to the any other police station or any other competent investigation agency and complete the investigation in accordance with law within a time stipulated by this Court.

2. The learned counsel appearing for the petitioner submitted that on 10.12.2025, the petitioner was allegedly kidnapped by ten persons in a car. Immediately thereafter, one of the petitioner's relatives contacted the police emergency helpline (100). However, despite the intimation, the respondent police did not take prompt action. Subsequently, the petitioner was allegedly shifted from one car to another and was finally transported on a two-wheeler and left in front of the 3rd respondent police station. Upon being dropped there, the petitioner lodged a complaint before the 3rd respondent police.

3. The learned counsel further submitted that, instead of registering a case for the offences punishable under Sections 137 and 138 of the BNS, 2023, the 3rd respondent registered a case in Crime No.757 of 2025 only for the offences under Sections 191(2), 329(4), 296(b) and 351(2) of the BNS, 2023.



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Aggrieved by the same, the petitioner seeks transfer of investigation from the file of the 3rd respondent to any other competent and independent police officer, in order to ensure a fair and impartial investigation.

4. The learned Government Advocate appearing for the respondent police, on instructions, submitted that on the very same day of the complaint, two accused were identified and remanded to judicial custody. He further submitted that an appropriate case was registered strictly on the basis of the complaint given by the petitioner, and the FIR was registered accordingly. The learned Government Advocate also contended that, in fact, the petitioner was initially hesitant to lodge a complaint, and it was only at the instance of the police that he came forward to give the complaint. Thereafter, a proper investigation has been taken up and the same is in progress.

5. At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner has also sent a subsequent representation to the respondent authorities, purportedly elaborating and improving upon the earlier complaint.



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6. Heard the learned counsels on either sides and carefully perused the materials available on record.

7. Upon considering the submissions made by the learned counsel for the petitioner, it is seen that the specific allegation of the petitioner is that he was forcibly taken by the accused persons and transported in several vehicles. However, on a careful perusal of the First Information Report, it is evident that the relevant penal provisions pertaining to the offences of kidnapping or abduction have not been incorporated in the FIR.

8. In view of the above, the 2nd respondent is directed to monitor the investigation presently being conducted by the 3rd respondent police. The 2nd respondent shall also independently examine the contentions put forth by the learned counsel for the petitioner, as well as the averments made in the initial complaint and the subsequent representation submitted by the petitioner, and ascertain whether there is any substance or any iota of truth therein. Based on such examination, the 2nd respondent shall appropriately guide and supervise the 3rd respondent to ensure that the investigation is conducted in a fair, impartial and proper manner, in accordance with law. The third respondent is directed to appraise the progress of investigation to the second respondent



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every Friday. The 3rd respondent is directed to continue the investigation as expeditiously as possible within a period of four weeks from the date of receipt of copy of this order.

9. With the above directions, this Criminal Original Petition is allowed.

23.01.2026

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Commissioner of Police,
O/o. the Commissioner of Police, Trichy.
2. The Assistant Commissioner Of Police,
City Crime Branch, Trichy,
3. The Inspector of Police,
City Crime Branch,
Trichy,
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
Crl.O.P.(MD)No.1048 of 2026

Dated
23.01.2026