



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.02.2026

CORAM

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

CRL OP(MD). No.4023 of 2026

Santhanam

... Petitioner/Defacto Complainant

Vs

1. The State of Tamilnadu Rep by,
The Superintendent of Police,
Tirunelveli District.

2. The State of Tamilnadu Rep by,
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

(Crime No.538 of 2025)

... Respondents/Complainants

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, 2023, to withdraw the case from the 2nd respondent in connection with Crime No.538 of 2025 and transfer the investigation to the 3rd respondent or some other investigation agency to the matter further and filed a final report an accordance with law.



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For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

Seeking to transfer the investigation in Crime No.538 of 2025 from the file of the 2nd respondent to the file of the 3rd respondent or some other investigation agency, this criminal original petition is filed.

2. The learned counsel for the petitioner submitted that the petitioner is a defacto complainant at whose instance, a First Information Report in Crime No.538 of 2025 was registered on 21.11.2025 for the offence under section 303(2) BNS, 2023, with respect to the theft of 20 sheeps. However, there is no progress in the investigation. Hence, this petition.

3. The learned Government Advocate (Crl.Side) appearing for the respondents on instructions, submitted that on receipt of complaint given by the petitioner that 20 goats were stolen, the police had duly conducted an inquiry and had promptly arrested the five accused persons. Among

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them, two persons were already remanded to judicial custody. However, other three persons had obtained anticipatory bail from this Court. Since the accused had already sold the stolen sheeps, the respondent police had recovered a sum of Rs.75,000/- from them and deposited the same in the trial court. Even then, the petitioner is not satisfied and has come before this Court.

4. Heard the learned counsel on either side and carefully perused the materials available on record.

5. It is seen that the petitioner did not approach the learned Judicial Magistrate, Ramanathapuram, to receive the amount and hence, the petitioner is directed to file a suitable application before the learned Judicial Magistrate, Ramanathapuram, for receiving the amount which has been already deposited by the second respondent police in the said Court.

6. However, this Court is of the considered view that the amount of



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Rs.75,000/- is very less and the total value of the stolen sheep would be approximately valued at Rs.7,00,000/-. Hence, the respondent police is directed to investigate the matter further and file a final report within a period of four weeks from the date of receipt of a copy of this order.

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

25.02.2026

NCC : Yes/No

Index : Yes/No

dss

TO

1. The Superintendent of Police,
Tirunelveli District.
2. The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L. VICTORIA GOWRI,J

dss

ORDER
IN
CRL OP(MD) No.4023 of 2026

Date : 25.02.2026