



Crl.OP(MD)No.18492 & 18495 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.02.2026**

**CORAM**

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

**Crl.O.P.(MD)Nos.18492 and 18495 of 2025**  
**and**  
**Crl.M.P.(MD)Nos.15264 & 15267 of 2025**

Sathiskumar

... Petitioner

Vs.

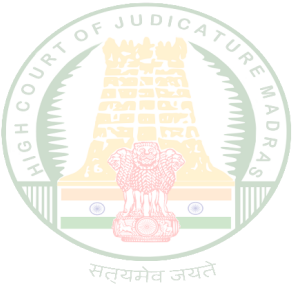
1. The Superintendent of Police,  
O/o The Superintendent of Police,  
Tenkasi District.
2. The Inspector of Police,  
Puliyankudi Police Station,  
Tenkasi District.  
(Crime Nos.43 & 44 of 2025)
3. The Inspector General of Police,  
CBCID, Chennai.

... Respondents

COMMON PRAYER: Petitions filed under Section 528 of BNSS, 2023, seeking transfer of investigation in Crime Nos.43 & 44 of 2025 from the file of the 2nd respondent to the 3rd respondent for a fair and impartial investigation.

For Petitioner : Mr.R.Karunanidhi

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



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### **COMMON ORDER**

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#### ***Preface:***

These Criminal Original Petitions have been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking transfer of investigation from the jurisdictional police to the specialized agency, namely CBCID, on the ground that the investigation conducted thus far lacks fairness, promptitude and credibility.

2. The case presents a disturbing narrative involving alleged theft of substantial valuables followed by the suspicious death of the complainant's father, raising serious concerns regarding the manner in which the investigation was handled.

#### ***Case of the prosecution:***

3. The case of the prosecution, as projected by the petitioner, is that on 02.01.2025 at about 06.30 p.m., the petitioner, upon returning to his residence, found the house in a disturbed condition with the front door open, the trolley bag broken, and valuables



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missing. It is alleged that cash amounting to Rs.22,00,000/- and gold jewels weighing about 15 sovereigns, were stolen from the house.

4. The petitioner's father immediately lodged a complaint before the second respondent police on the same day. However, instead of registering a First Information Report forthwith, only a Community Service Register (CSR) entry was made. It is further stated that despite repeated requests by the petitioner's father, no FIR was registered promptly. During this period, the petitioner's father was allegedly under distress.

5. On 24.01.2025, the petitioner's father was found unconscious and was admitted to a private hospital, where he was declared dead. Subsequently, FIR in Crime No.44 of 2025 was registered with respect to his death. Significantly, FIR in Crime No.43 of 2025 relating to theft was registered only after a delay of nearly 23 days from the date of occurrence.



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**Grounds for transfer:**

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6. The petitioner seeks transfer of investigation primarily on the following grounds:

(i) Inordinate and unexplained delay in registration of FIR for the theft complaint;

(ii) Failure of the police to act upon the complaint promptly despite serious allegations;

(iii) Suspicious circumstances surrounding the death of the petitioner's father;

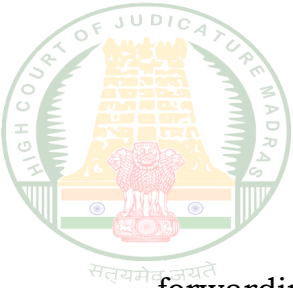
(iv) Lack of progress in investigation;

(v) Allegation of manipulation of records and suppression of material facts;

(vi) Loss of confidence in the investigation conducted by the jurisdictional police.

**Arguments on either side:**

7. The learned counsel for the petitioner contended that the conduct of the second respondent police is highly questionable, inasmuch as the FIR was registered belatedly only after the death of the petitioner's father. It was further contended that the delay in

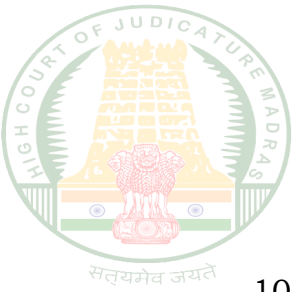


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forwarding the FIR to the jurisdictional Magistrate and the absence of any meaningful progress in investigation indicate a deliberate attempt to dilute the case. The learned counsel emphasized that the petitioner has lost faith in the local police and that only an independent agency like CBCID can ensure a fair investigation.

8. The learned Government Advocate (Crl.Side) submitted that the investigation was conducted properly and that there was no manipulation of records. It was contended that fingerprints collected from the scene did not reveal any third-party involvement and that contradictions existed in the statements of the family members.

9. It was further submitted that the death of the petitioner's father was due to consumption of pesticide, as confirmed by the viscera report, and that final report in Crime No.44 of 2025 has already been filed as "further action dropped". It was also contended that the investigation in Crime No.43 of 2025 is still pending and is being conducted in accordance with law.



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10. Heard the learned counsels on either side and carefully perused the materials available on record.

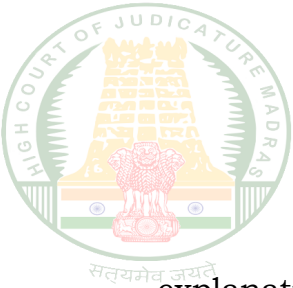
***Point for consideration:***

11. The point that arises for consideration is whether the investigation conducted by the second respondent police inspires confidence and whether the facts and circumstances warrant transfer of investigation to CBCID?

***Analysis:***

12. It is a settled principle that transfer of investigation to a specialized agency is not to be ordered as a matter of routine, but only when the Court is satisfied that the investigation lacks fairness, impartiality or credibility.

13. In the present case, this Court cannot lose sight of the admitted delay of nearly 23 days in registering the FIR relating to a serious allegation of theft involving substantial cash and gold. The

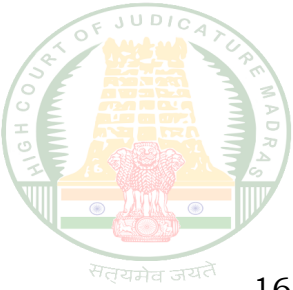


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explanation offered for such delay is neither satisfactory nor convincing.

14. Further, the sequence of events reveals that the FIR in Crime No.43 of 2025 was registered only after the death of the petitioner's father, which raises a legitimate suspicion regarding the manner in which the complaint was handled. The delay in forwarding the FIR to the learned Judicial Magistrate further compounds the doubt surrounding the fairness of the investigation.

15. Though the learned Government Advocate would submit that the records are auto-generated and cannot be manipulated, this Court is of the considered view that procedural lapses and unexplained delays themselves erode the credibility of the investigation. Moreover, the emotional and factual link between the alleged theft and the subsequent death of the petitioner's father cannot be brushed aside lightly.



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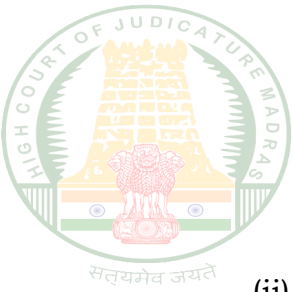
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16. When the complainant himself has lost faith in the investigation, and when the surrounding circumstances give rise to reasonable apprehension, this Court is duty bound to ensure that justice is not only done but also seen to be done. In such circumstances, this Court is of the considered opinion that an investigation by an independent and specialized agency would instill confidence and ensure a fair outcome.

17. Justice must not only be impartial in substance but must also appear to be so in perception. The credibility of the criminal justice system rests upon the fairness of investigation at its very inception. The facts of the present case disclose sufficient grounds to hold that the investigation conducted by the second respondent police does not inspire the confidence of this Court. Therefore, this Court finds it to be a fit case to transfer the investigation to CBCID.

18. In the result,

(i) The investigation in Crime Nos.43 & 44 of 2025 on the file of the 2<sup>nd</sup> respondent police is hereby withdrawn;



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CBCID;

(ii) The same is transferred to the file of the 3<sup>rd</sup> respondent –

(iii) The Director General of Police is directed to entrust the investigation to a competent officer not below the rank of Deputy Superintendent of Police;

(iv) The Investigating Officer shall conduct the investigation independently, fairly and expeditiously, without being influenced by any of the earlier findings;

(v) The entire records shall be handed over to the CBCID within a period of one week from the date of receipt of a copy of this order;

(vi) The CBCID shall file a final report before the jurisdictional Magistrate within a period of twelve weeks thereafter.

19. With the above directions, these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

**10.02.2026**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No

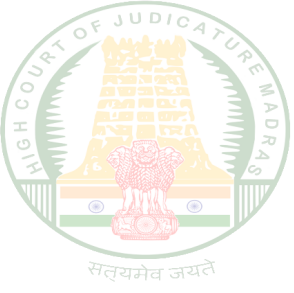
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Tenkasi District.
2. The Inspector of Police,  
Puliyankudi Police Station,  
Tenkasi District.
3. The Inspector General of Police,  
CBCID, Chennai.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.**

Sml

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