

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.13383 of 2015

Paramaguru ... Petitioner
Vs

State by
The Inspector of Police,
Neyveli Township Police Station,
Cuddalore District. ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to pass an order for further investigation in Crime No.211 of 2011 on the file of the respondent Police by any other competent investigating agency other than the respondent under Section 173(8) CrPC for proper investigation and report in the interest of justice.

For Petitioner :Mr.A.Arasuganesan

For Respondent :Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side)

ORDER

This petition has been filed to pass orders for further investigation in Crime No.211 of 2011 on the file of the respondent Police by any other competent investigating agency other than the respondent under Section 173(8) CrPC for proper investigation and report in the interest of justice.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the material placed on record.

3.On 23.04.2011, a road accident took place in which the deceased was coming in a two wheeler, bearing Registration No.PY 01 AX 8544, was hit by another two wheeler, bearing Registration No.TN 22 R 8780. The eye witness to the accident is one Manickam. On the instructions of Manickam, Mr.Srinivasan, the brother of the deceased, lodged a complaint, based on which the respondent Police registered a case in Crime No.211 of 2011 on 23.04.2011 for offence under Section 304(A) IPC against an unknown person. After few days, one Baskaran surrendered before the learned Judicial Magistrate No.I, Neyveli and submitted that he was the driver of the said vehicle on the fateful day and his surrender was accepted. Police completed the investigation and filed a final report before the Judicial Magistrate No.I, Neyveli, which was taken on file in

CC.No.63 of 2012 against the said Baskaran. The petitioner herein is one Paramaguru in whose name the vehicle bearing Registration No.TN 22R 8780 stands. It is the case of the petitioner that his vehicle was not at all involved in the accident and that his vehicle has been unnecessarily roped into the said accident by the police. In support of these contentions, the petitioner relied upon an affidavit sworn to by Baskaran (accused in this case), wherein he has stated that the said vehicle was not involved in the accident at all. This affidavit has been filed before the trial Court.

4.Further, the learned counsel for the petitioner submitted that the correct description of the make of the vehicle has not been given by the witness, inasmuch as Manickam, the eye witness, has stated that it is a TVS Suzuki Fiero, whereas in the FIR, it is stated as Yamaha Fiero, but, whereas the vehicle Inspector, who inspected the vehicle, has given the description of the vehicle as TVS Suzuki Fiero. This Court carefully considered the submissions and found the number of the vehicle, bearing Registration No.TN 22R 8780 finds place even in the FIR. Just because, Manickam has stated that it is Yamaha Fiero, it cannot be concluded now that the said vehicle was never involved in the accident. Therefore, this is not a fit case for ordering further investigation.

In the result, this Criminal Original Petition is dismissed. Whatever is observed herein shall not in any way influence any other proceedings.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Inspector of Police,
Neyveli Township Police Station,
Cuddalore District.

2.The District Munsif cum Judicial Magistrate,
Neyveli-2.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.A.Arasu Ganesan, Advocate,SR.30007.

Br (co)
krd 2/7

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