

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.19539 of 2015

T.Varadharajan

... Petitioner

Vs

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

2.The Inspector of Police,
District Crime Branch,
Kanchipuram,
Kanchipuram District.

3.The Inspector of Police,
Walajah Police Station,
Kanchipuram District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to direct the 3rd respondent to transfer the investigation
relating to crime No.235 of 2015 pending on the file of the 3rd
respondent to the file of 2nd respondent or any other agency and to
conduct free and fair investigation and to file final report.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This petition has been filed to transfer the investigation in
crime No.235 of 2015 on the file of the 3rd respondent to the file of
the 2nd respondent or any other agency and to conduct free and fair
investigation and to file final report.

2. Heard the learned counsel for the petitioner; learned
Additional Public Prosecutor appearing for the respondents and
perused the materials placed on record.

3. It is the case of the petitioner that his brother's son
Kannan was the pillion rider in a two-wheeler that was driven by his

friend Kiran Rahul which met with an accident on 13.06.2015, in which, Kiran Rahul died and the said Kannan also sustained injuries and he was admitted in the hospital.

4. On the complaint lodged by Thavamani the mother of Kiran Rahul, a case in Crime No.235 of 2015 under Sections 279, 337 and 304 [A] IPC has been registered against Kannan, as if he had driven the two-wheeler at the relevant point of time.

5. According to this petitioner, the said Kannan was only a pillion rider and the vehicle was driven by Kiran Rahul and that, while Kannan was admitted in the hospital, the police have obtained a complaint from Thavamani who is not an eye witness to the incident.

6. Under such circumstances, this Court directs the Deputy Superintendent of Police under whose jurisdiction Walajah Police Station falls, to monitor the investigation in crime No.235 of 2015 and also look into the grievance of the petitioner that his brother's son Kannan was only a pillion rider and not the driver of the two-wheeler. The Deputy Superintendent of Police is directed to conduct investigation in free and fair manner and if it is found that the said Kannan was only a pillion rider, the FIR should be altered accordingly.

With the above direction, this petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

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

2.The Inspector of Police,
District Crime Branch,
Kanchipuram,
Kanchipuram District.

3.The Inspector of Police,
Walajah Police Station,
Kanchipuram District.

4.The Public Prosecutor,
High Court, Madras.

copy to:

1.The Deputy Superintendent of Police,
Kancheepuram District

2.The Deputy Superintendent of Police
Walajah Police Station, Kancheepuram District

+1 cc to C.Prabakaran, Advocate sr.40201/15

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