

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28876 of 2015

N.Govindammal

... Petitioner

Vs

1. The Commissioner of Police,
Chennai District, Vepery,
Chennai - 600 007.
2. The Inspector of Police,
T-12 Traffic Investigation,
Poonamallee Police Station,
Chennai - 600 056.
3. The Inspector of Police,
Ambattur Police Station,
Ambattur, Chennai - 600 053.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to transfer the case from 2nd respondent to the 3rd respondent for proper investigation according to the charges levelled against the accused persons in the first information report and to file final report in Crime No.975 of 2015 which is pending on the file of the 2nd respondent.

For Petitioner : Mr.K.M.Malar Mannan

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor

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O R D E R

This petition has been filed to direct the first respondent to transfer the case from 2nd respondent to the 3rd respondent for proper investigation according to the charges levelled against the accused persons in the first information report and to file final report in Crime No.975 of 2015 which is pending on the file of the 2nd respondent.

2. According to the charges levelled against the accused person, the petitioner is residing along with her mother. She is an unmarried woman and she is working as housemaid at Annanagar, Chennai. When she was returning home on 11.08.2015, she got an auto to her house at Banu Nagar Ambattur. At that time, one Rajesh saw her and followed her in a white car along with his friends. When she got down from the auto rickshaw, the said Rajesh reversed his car and rashly drove the car with an intention to commit murder and hit her, due to which, the petitioner's right leg got fractured and she took treatment in the Kilpauk Medical Hospital as inpatient and thereafter, as out patient for the last three months. Moreover, the said Rajesh abused the petitioner in filthy language and threatened her with dire consequences. Hence, the petitioner's mother lodged a complaint on 13.08.2015 with the 3rd respondent police. Based on the said complaint, a case in Crime No.975 of 2015 was registered for the offence under sections 279 and 338 IPC. Since no action was taken, the petitioner gave a representation on 05.11.2015 to the respondents to initiate action in the case registered in Crime No.975 of 2015. Since there is no action, the present petition was filed.

3. The contention of the petitioner is that there is an attempt of murder and as such a case ought to have been registered for the offence under section 307 IPC. Since the 2nd respondent is not conducting the investigation properly, the petitioner seeks for transfer of the case.

4. Learned Additional Public Prosecutor submitted that if during the course of investigation, the commission of the offence under Section 307 IPC is attracted, then, the respondent police will include the said offence and file a final report before the concerned Court.

5. In view of the submission made by the learned Additional Public Prosecutor, this Court is of the view that there is no need to transfer the case. Recording the submission made by the learned Additional Public Prosecutor, the criminal original petition is closed.

vsi

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

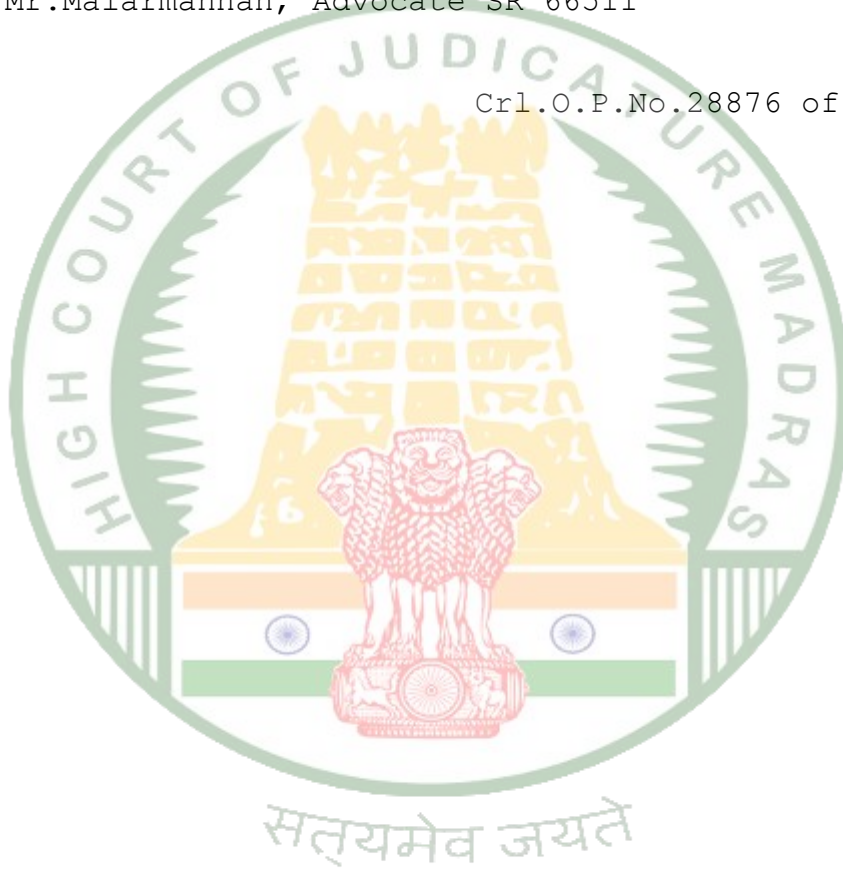
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Ambattur, Chennai - 600 053.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.Malarmannan, Advocate SR 66511

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