

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.12015 of 2014
and
M.P.No.1 of 2014

P.Kalarani ...Petitioner/Wife of Deceased

.. Vs ..

1. The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.

2. Karthik .. Respondents/Complainants

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer the investigation in Crime No.989 of 2013 from the first respondent police to C.B.C.I.D., Vellore District, to ensure to get justice and fair investigation.

For Petitioner : Mr.N.Subramani

For R-1 : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking to transfer the investigation in Crime No.989 of 2013 from the first respondent police to C.B.C.I.D., Vellore District, to ensure to get justice and fair investigation.

2. The petitioner is the wife of the deceased Palani, who died in a road accident said to be taken place on 20.12.2013 at night hours by collision of two vehicles viz., Bajaj CT 100 bearing Registration No.TN-23-7412, belonging to one Manikantan and the vehicle viz., motorcycle, belonging to the deceased/Palani, bearing Registration No.TN-23-BQ-9157. In the said accident, the owner-cum-driver of the motorcycle bearing Registration No.TN-23-BQ-9157 has thrown away in front of a four wheeler vehicle, which dashed against the deceased/Palani and he

died on the spot itself. On the basis of the complaint given by one Karthick, pillion rider of the two wheeler Bajaj CT 100 bearing Registration No.TN-23-7412, a case in Crime No.989 of 2013 has been registered against the deceased/Palani. The brother of the deceased/Palani has given a complaint to the first respondent police on 21.12.2013 stating that the driver of the two wheeler viz., Bajaj CT 100 bearing Registration No.TN-23-7412 alone is responsible for the accident and the deceased/Palani is not responsible for the accident. The said complaint given by the brother of the deceased/Palani was not considered by the Investigating Officer and the Investigating Officer has closed his investigation stating that the deceased/Palani himself has caused the accident and action also has been dropped. Hence, the petitioner has come forward with this petition seeking to transfer the investigation in Crime No.989 of 2013 from the file of the first respondent police to C.B.C.I.D. Vellore District.

3. The first respondent police has filed a detailed status report, wherein, at paragraph No.3, the Investigating Officer has stated that he examined the driver of the two wheeler viz., Bajaj CT 100 bearing Registration No.TN-23-7412 and his pillion rider namely, Karthick and he has also examined one Parameswaran and Paranthaman as L.W.1 and L.W.2 and recorded their statements. But, in his status report, there is no mention about the scene of occurrence, whether it is residential area or commercial area and whether any independent witnesses have been examined. Hence, it is a fit case for setting aside the action drop report and to transfer the investigation to the Deputy Superintendent of Police, Gudiyatham, since the investigation has been done by the first respondent police not in proper direction and without examining the wife of the deceased and other inmates.

4. In such circumstances, the Deputy Superintendent of Police, Gudiyatham, is directed to take up the matter and re-open the case and do the further investigation and file his report in accordance with law uninfluenced by the observations made by this Court in this order and also the investigation done by the first respondent police.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

Jr1

To

1. The Deputy Superintendent of Police,
Gudiyatham.
2. The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.N. Subramani, Advocate, Sr. 11259

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SCD (CO)
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