

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.5787 of 2016

1.Kamalasekaran
2.Boopathy

.. Petitioners/Accused

Vs.

The Inspector of Police,
E1, Mamallapuram Police Station,
Kancheepuram District.
Crime No.51 of 2013.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation of the FIR No.51 of 2013 along with the petitioners' complaint dated 11.02.2013 to the CBCID.

For Petitioners: Mr.N.Subramani

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioners have come forward with this petition to transfer the investigation in Crime No.51 of 2013 on the file of the respondent along with the petitioners' complaint dated 11.02.2013 to CBCID.

2. The learned counsel for the petitioners submitted that the petitioners have sustained injuries in a road accident taken place on 26.01.2013 at 2.30 p.m. On the basis of the complaint given by one Manivannan, who is the owner of the car bearing registration No.TN-31-AW-0324, a case has been registered against the petitioners/accused under Sections 279 and 337 of IPC stating that the petitioners who came in a two wheeler in a rash and negligent manner, dashed against his car. The petitioners have sustained injuries and they were admitted in Global Hospital. Subsequent to their discharge, the petitioners gave a complaint to the respondent, but the respondent police has not shown any interest to register a case. Thereafter, the

petitioners filed a petition in Crl.O.P.No.10061 of 2013 to quash the FIR No.51 of 2013 and also filed a petition in Crl.O.P.No.4344 of 2013 to register a case on the basis of the complaint given by the petitioners. This Court, by common order dated 25.07.2013 dismissed Crl.O.P.No.10061 of 2013 as it is premature in nature and disposed of Crl.O.P.No.4344 of 2013 since already a case has been registered in respect of the same incident. Now the petitioners have come forward with this petition to transfer the investigation from the file of the respondent police to CBCID.

3.Heard the learned Additional Public Prosecutor appearing for the respondent.

4. The alleged occurrence said to have taken place on 26.01.2013 at 14.30 hours, complaint has been given by the owner of the vehicle at 18.60 hours. The petitioners came in a two wheeler bearing registration No.TN-78-3279 in a rash and negligent manner and dashed against the car bearing registration No.TN-31-AW-0324. The petitioners have already filed two petitions in Crl.O.P.No.10061 of 2013 and Crl.O.P.No.4344 of 2013 for quashing the FIR No.51 of 2013 and also to direct the respondent police to register a case on the basis of the complaint given by them. But the said petitions were dismissed. In such circumstances, I am of the view that there is no necessity for transferring the investigation. However, the respondent is directed to investigate the matter. The Superintendent of Police, Kancheepuram District is directed to nominate the Deputy Superintendent of Police of territorial jurisdiction to supervise the investigation and file a final report within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, the Criminal Original Petition is disposed of.

सत्यमेव जयते

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Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Superintendent of Police, Kancheepuram District.

2.The Inspector of Police,
E1, Mamallapuram Police Station,
Kancheepuram District.

3.The Public Prosecutor, High Court, Madras.

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MSM(CO)
Eu 04.04.16



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