

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.9876 of 2016

A.Murugan

... Petitioner

Vs

1. The Deputy Commissioner of Police,
(L&O), Adyar,
Chennai - 600 020.

2. The Sub Inspector of Police,
J-9, Thoraipakkam Police Station,
Chennai - 600 041.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to withdraw and transfer the complaint dated 21.02.2016 registered in Cr.No.352 of 2016 pending on the file of the 2nd respondent to the file of the 1st respondent and further direct the 1st respondent to depute an investigation officer to investigate and file a final report.

For Petitioner : Mr.R.Narendran

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the complaint dated 21.02.2016 registered in Crime No.352 of 2016 on the file of the 2nd respondent to the file of the 1st respondent and to file a final report.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3.The petitioner met with a motor vehicle accident, in connection with which, a case in Crime No.352 of 2016 has been registered on 21.02.2016 under Section 279, 338 I.P.C., against the driver of the lorry bearing Registration No.TN 21 AX 6858. After the accident, the petitioner was admitted as in-patient in Stanley Medical Hospital and after receiving intimation, the respondent-Police has recorded the statement

given by the petitioner, based on which, the FIR., in Crime No.352 of 2016 has been registered.

4. In the statement given by the petitioner, he has stated that the petitioner was a watchman in the apartment being constructed by Ramaneyam Real Estate Builders and while he was sleeping in front of the said site, the lorry bearing Registration No.TN 21 AX 6858 had ran over his leg, on account of which, he sustained injuries.

5. After two months, on 12.04.2016, the petitioner has given a representation to the Deputy Commissioner of Police (L&O), Adayar, Chennai stating that he was not asleep when the incident had occurred and that he was awake, despite which, the lorry driver had negligently come in the reverse direction and hit him, on account of which, he had sustained aforesaid injuries.

6. The learned counsel appearing for the petitioner submitted that the police have themselves recorded the above said statement, as if the petitioner was sleeping and that the lorry had ran over his leg.

7. This Court perused the FIR., and subsequent representation and found that the only difference is that in the subsequent version, the petitioner has contended that he was awake and that the lorry had ran over his leg. There cannot be a second FIR., for the same incident.

8. Under such circumstances, this Court directs the second respondent-Police to thoroughly investigate the case from all angles in order to find out the truth and take action in accordance with law. In the considered opinion of this Court, this is not a fit case to transfer, and it would suffice if a direction is given to the Inspector of Police, J9, Thoraipakkam Police Station, Chennai, to thoroughly investigate the case in unbiased manner, taking into consideration the representation given by the petitioner, and take action in accordance with law.

9. With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

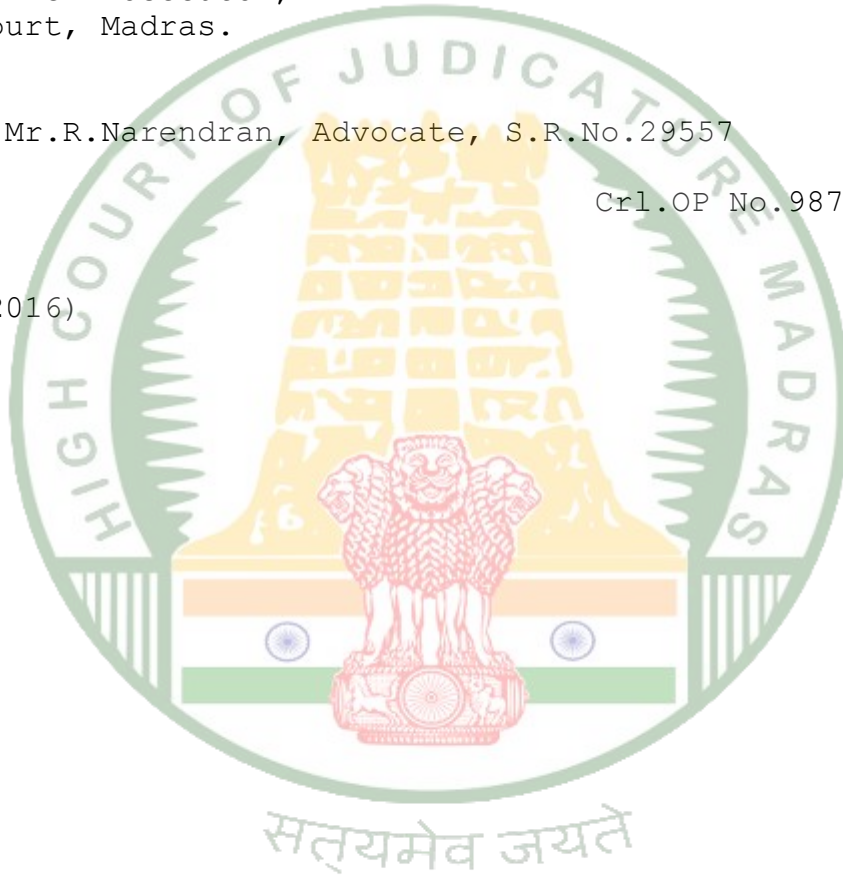
To

1. The Deputy Commissioner of Police,
(L&O), Adyar,
Chennai - 600 020.
2. The Sub Inspector of Police,
J-9, Thoraipakkam Police Station,
Chennai - 600 041.
3. The Public Prosecutor,
High Court, Madras.

+2cc's to Mr.R.Narendran, Advocate, S.R.No.29557

Cr1.OP No.9876 of 2016

AK(CO)
CA(13/06/2016)



WEB COPY