

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2017

CORAM

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

CRL.O.P.No.3119 of 2011

S.Suman

.. Petitioner

Vs

1.The Commissioner of Police,
Sub Urban Police,
St. Thomas Mount,
Chennai - 600 016.

2.The Deputy Commissioner of Police,
Sub Urban Police (Traffic),
St. Thomas Mount,
Chennai - 600 016.

3.The Inspector of Police,
Mount Traffic Investigation,
Pallavaram,
Chennai - 600 043.

.. Respondents

PRAYER: Petition under Section 482 of the Code of Criminal Procedure to direct the third respondent to expedite the investigation and laid the charge sheet in Crime No.453 of 2007 before the concerned Court in time frame.

For Petitioner : Mr.K.V.Muthuvisakan

For Respondents : Mr.P.Muthukumar
Govt.Advocate(Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner seeking direction on the third respondent to expedite the investigation and file the charge sheet in Crime No.453 of 2007 before the concerned Court.

2. I heard Mr.K.V.Muthuvisakan, learned counsel for the petitioner and Mr.P.Muthukumar, learned Government Advocate

(Criminal Side) for the respondents and also perused the materials available on record.

3. According to the petitioner, on 31.10.2007, he lodged a complaint before the third respondent and the third respondent registered the case in Crime No.453 of 2007 under Sections 279 and 337 IPC. However, no action was taken by the third respondent to complete the investigation and file the charge sheet.

4. The case of the petitioner is that on 31.10.2007 at about 12.40 hours, the petitioner and his brother in law V.Saravanan were travelling in a motorcycle bearing registration No.TN-02 AC 1653, which was driven by V.Saravanan and when they were nearing DGCA Complex, Meenambakkam, a bus bearing registration No.TN-32 N 2233 came behind the motorcycle and overtakes them in a rash and negligent manner without following the traffic rules and dashed against the motorcycle. Due to the impact, his brother in law V.Saravanan fell down on the road and sustained severe head injury. Immediately, after the accident, he was taken to Balaji Hospitals (P) Ltd., Guindy where he succumbed to the injuries on the next day. Regarding the accident, a case in Crime No.453 of 2007 was registered under Section 279 and 337 IPC on the file of the third respondent police station. Since the third respondent has not taken steps to complete the investigation and file charge sheet, the petitioner has filed the present petition for direction.

5. On a perusal of the records, it is seen that by an order dated 22.2.2011, this Court directed the Registry to call for a report from the Judicial Magistrate, Alandur, whether any charge sheet has been filed in Crime No.453 of 2007. In his report dated 4.3.2011, the learned Judicial Magistrate, Alandur stated that the concerned Inspector of Police has not filed the charge sheet in this case so far.

6. On further perusal of the records, it is seen that on 21.3.2011, this Court ordered as under:

"A copy of the charge sheet which is informed as filed by the respondent before the concerned court, is forwarded herewith and the learned Judicial Magistrate, Alandur, is required to submit further report within a week. Post after a week."

In his report dated 28.3.2011, the Judicial Magistrate, Alandur stated that the concerned Inspector of Police has not filed the charge sheet.

7. Thereafter, on 12.4.2011, this Court directed the Registry to send a reminder for the further report called for on 21.3.2011, which should reach this Court positively before

26.4.2011. Pursuant to the said direction, the learned Judicial Magistrate, Alandur submitted a report dated 25.4.2011 to this Court in the following manner:

"I humbly submit that the F.I.R. in Cr.No.453/07 on the file of the Inspector of Police Traffic Investigation, G.S.T. Road, Chennai has been filed before this Court on 12.11.2007.

I further submit that the concern Inspector of Police has not filed charge sheet in this case so far.

I further submit that the report has called for in the reference 5th cited is also submitted as per the references 2nd and 4th cited and the xerox copy of the same is herewith enclosed for your Honour's kind reference.

This is submitted for favour of kind information."

8. It appears that thereafter, the matter has been pending as such and the respondents have not stated anything what had happened in this matter whether the third respondent has completed the investigation and filed the charge sheet.

9. Since complaint is of the year 2007 and the investigation in this case said to have been pending for the past 10 years, it would be appropriate to direct the third respondent to complete the investigation, if not already completed and file the charge sheet before the concerned Court.

10. In the result, the Criminal Original Petition is allowed. The third respondent is directed to complete the investigation and file charge sheet in Crime No.453 of 2007 before the learned Judicial Magistrate, Alandur, if not already done, expeditiously, preferably within a period of one month from the date of receipt of a copy of this order.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

vs

To

1.The Commissioner of Police,

Sub Urban Police,
St. Thomas Mount,
Chennai - 600 016.

2.The Deputy Commissioner of Police,
Sub Urban Police (Traffic),
St. Thomas Mount,
Chennai - 600 016.

3.The Inspector of Police,
Mount Traffic Investigation,
Pallavaram,
Chennai - 600 043.

4.The Judicial Magistrate,
Alandur.

+1cc to Mr.K.V.Muthuvisakan, Advocate SR.No.17009

CRL.OP.No.3119 of 2011

GMV (02/11/2018)



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