



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.4354 of 2016

M.Shanthi

... Petitioner

-vs-

1. The Superintendent of Police
Ramanathapuram District, Ramanathapuram.
2. The Deputy Superintendent of Police
Thiruvadanai Sub Division,
Thiruvadanai
Ramanathapuram District
3. The Inspector of Police,
Thiruvadanai Police Station,
Thiruvadanai,
Ramanathapuram District.
CRIME nO.32/2016

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st respondent to change the investigation in respect of Crime No.32 of 2016 from the file of the 3rd respondent to the 2nd respondent or any other higher official as the 1st respondent deems fit for proper investigation in accordance with law.

For Petitioners	: Mr.K.Maharajan
For Respondents	: Mr.K.Anbarasan
	Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the 1st respondent to change the investigation in respect of Crime No.32 of 2016 from the file of the 3rd respondent to the 2nd respondent or any other higher official as the 1st respondent deems fit for proper investigation in accordance with law.

2. It is a case of hit and run motor accident, in which, the son of the petitioner lost his life.



3. The learned Government Advocate submitted that the respondent police have filed a status report, wherein, in paragraph Nos.3 and 4, it is stated as follows:

WEB COPY

"3.I respectfully submit that from my enquiry and the statements of the witnesses reveals that the occurrence took place near Kadambakudi, Muneeswaran Temple at about 17.30 hours, the place of occurrence is the National Highways it connected Madurai to Thondi. It is very busy road, but unfortunately no one see the occurrence, so we are not able to identify the involved vehicle. So I took effort to identify the vehicle by verify the Register kept in the check-post, Thondi. Meanwhile an information was received that the vehicle bearing Registration Number TN 18 B 2299 Tavera Car was involved to dash the above said deceased. So on 29.01.2016 the driver of the Tavera Car was enquired, but he refused the charge. So the vehicle was inspected no suspicious damages found in the body of the car. After obtaining statement from the car driver, investigation.

4.I respectfully submit that in this case there is no eye witnesses, the occurrence place is the Main Road to connect Madurai to Thondi. The Register book of the Thondi Check post was verified. The vehicles were at the related time passes through the check-post was also enquired. But I am not able to getting valuable clue. I take steps to trace the vehicle by setting secret informers, the people who regularly used the road an such time were be enquire. After trace the vehicle the chargesheet will file as early as possible."

4. Today, the learned Government Advocate submitted that the case has been closed as undetectable and the closure report has also been filed before the Judicial Magistrate, Thiruvadanai.

5. A Full Bench of this Court in **Chinnathambi @ Subramani v. State Rep. by the Inspector of Police, Vellakovil Police Station, Tirupur District** reported in **(2017) 1 MLJ (Cr1) 641 (FB)**, has held that even if a case is closed as undetectable, the police have got the power to continue with the investigation, if they get any credible material or information. Hence, the police is directed to bear in mind this aspect and if they come across any material implicating the accused in the offence, they shall proceed with the investigation of the case, even though the same has been closed as undetectable.



6. With above observations, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(RTI)

WEB COPY

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police
Ramanathapuram District, Ramanathapuram.
2. The Deputy Superintendent of Police
Thiruvadanai Sub Division,
Thiruvadanai
Ramanathapuram District
3. The Inspector of Police,
Thiruvadanai Police Station,
Thiruvadanai,
Ramanathapuram District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Maharajan, Advocate Sr.No.62219

RR

VB/KP/SAR1/11.07.2017/3P/6C

Cr1.O.P. (MD) No.4354 of 2016
28.06.2017