



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2017

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

Crl.O.P. (MD) Nos.5942 of 2016 and 16260 of 2015

C.Periyathal ... Petitioner in both petitions

-vs-

1. The Superintendent of Police,
Sivagangai District.

2. The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.

... Respondents 1 and 2 in
both petitions

3. The Special Sub Inspector of police,
Ulagampatti Police Station,
Sivagangai District
Crime No.13 of 2015

... 3rd Respondent
in Crl.O.P.No.16260/2015

Prayer in Crl.O.P.No.5942/2016: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to register the case on the complaint of the petitioner's dated 24.03.2015.

Prayer in Crl.O.P.No.16260/2015: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the investigation in Cr.NO.13 of 2015 on the file of the 3rd respondent to some other investigation officers.

For Petitioner : Mr.R.Sevugaraja
in both petitions

For Respondents : Mr.K.Anbarasan
in both petitions Government Advocate (Crl. side)

COMMON ORDER

On 23.03.2015, a very unfortunate incident took place, in which, Chinnia Perumal, an youngster, aged about 26 years, lost his life in a road mishap. For the said incident, on the complaint



lodge by Kumaravelu, the Driver of TNSTC Bus, the respondent police registered a case in Crime No.13/2015 under Sections 279 and 337 IPC against Chinnaperumal. Not satisfied with the investigation, Periyathal, mother of the deceased, is before this Court for reinvestigation of the case and also to consider her representation dated 24.03.2015.

2. Heard Mr.R.Sevugaraja, learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondents.

3. The learned counsel for the petitioner produced the photographs that were taken at the place of incident, which shows that the road, in which, the bus was plying is a single road in the country side. It is the case of the Driver of the TNSTC Bus that while he was plying down the road, the deceased came in a two wheeler from the opposite side in high speed and hit the rear side of the bus and he fell down. The bus was stopped and the passengers lifted the deceased and took him to the hospital, where he was declared dead. Therefore, this is not a case of head on collision. The learned counsel submitted that only if the bus had bobbed, this incident would have taken place.

4. Per contra, Mr.K.Anbarasan, learned Government Advocate (Crl. side) read out the 161(3) Cr.P.C. statement of the independent witnesses, who have stated that the deceased, who came by a two wheeler across the front side of the bus and had inadvertently hit the rear side himself resulting in him falling off the two wheeler. Since the deceased was not wearing a helmet, he suffered head injuries resulting in his death.

5. As regards Crl.O.P.(MD) No.5942 of 2016, the petitioner had given a representation dated 24.03.2015 to the police making allegations against the Driver of the TNSTC Bus. Admittedly, the petitioner was not an eye witness to the incident. Therefore, much reliance cannot be placed upon the representation dated 24.03.2015 given by the petitioner.

6. This Court does not find any serious infirmity in the investigation that has been conducted by the police warranting *de novo* investigation of the case.

7. Whatever stated above is only for the limited extent of deciding these petitions and this shall not in any way prejudice the case of the petitioner, if she makes any claim. If the petitioner is entitled to any amount as compensation from the Government for the death of her son, the petitioner may approach the Legal Services Authority, who is directed to assist her in getting the compensation.



With the above observations and direction, these petitions are dismissed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Sivagangai District.
2. The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.
3. The Special Sub Inspector of police,
Ulagampatti Police Station,
Sivagangai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

RR
AE/RSK/SAR1/21.06.2017/3P/5C

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