

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.3049 of 2017

P.Udhaya Kumar

.. Petitioner

Vs.

1.The Superintendent of Police,
Erode District.

2.The Inspector of Police,
Chennimalai Police Station,
Erode District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the first respondent to an inclusion of the lorry no.TN-56-D-2601 in the F.I.R. in Crime No.101/2016 dated 24.03.2016 and consequently directing the respondent to change any other officer to investigate the matter in accordance with law and to file a final report before the competent court of law.

For Petitioner : Mr.G.Pavendran

For Respondents : Mrs.P.Kritika kamal,
Government Advocate (Crl. side)

ORDER

This petition has been filed seeking to direct the first respondent to an inclusion of the lorry bearing registration No.TN-56-D-2601 in the F.I.R. in Crime No.101 of 2016 dated 24.03.2016 and consequently directing the respondent to change any other officer to investigate the matter in accordance with law and to file a final report.

2. It is the grievance of the petitioner that the accident that took place on 24.03.2016 at about 09.00 am, the lorry bearing registration No.TN-56-D-2601 was involved and therefore, has sought for a direction before this Court seeking for inclusion of the lorry number in the F.I.R. in Crime No.101 of 2016.

3. Today when the matter was called, the learned Government Advocate (Crl. side), by referring the status report of the

second respondent dated 23.11.2017 submits that based on the representation given by the petitioner, an enquiry came to be conducted with the owner of the lorry bearing registration No.TN-56-D-2601, namely Shanmuga Sundaram, son of Subbiah Gounder and it was seen that the vehicle was not present in the scene of occurrence on the date of incident and that the vehicle was assigned for transporting consignment to porayankadu. The second respondent has also stated in his status report, apart from the owner of the lorry, seven witnesses have been enquired and it was confirmed that the said lorry was not at the scene of occurrence.

4. The learned counsel for the petitioner, however submits that the tipper lorry was very much present in the scene of occurrence. I do not find any reason as to why the status report of the second respondent should be disbelieved.

5. However, in order to give one opportunity to the petitioner herein, there shall be a direction to the second respondent to conduct further enquiry in the matter and submit final report as expeditiously as possible. Such an enquiry shall be monitored by the Deputy Superintendent of Police, having jurisdiction over the second respondent herein.

6. With the above observation, the Criminal Original Petition stands closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Erode District.

2.The Inspector of Police,
Chennimalai Police Station,
Erode District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.Pavendhan, Advocate, S.R.No.12586

CrI.O.P.No.3049 of 2017

KK(CO)

RRK(12/03/2018)