

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.OP.No.21809 of 2018

D.Avinash

... Petitioner

Vs.

1. The Superintendent of Police,
Crime Branch-Criminal Investigation Department,
CB-CID,
No.220, Pantheon Road,
Egmore,
Chennai - 600 008.
2. The Sub-Inspector of Police,
TIW-Guindy Police Station,
Guindy, Chennai.
3. S.Subramani
S/o.Shanmugam
Writer (Crime Branch)
No.6, M-Block,
Ashok Nagar Police Quarterz,
Chennai - 600083.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to transfer the investigation from the 2nd respondent in Crime No.14 of 2018 to 1st respondent or any other competent investigation agency.

For Petitioner : Mr.G.Peranban

For R1 & R2 : Mr.C.Raghavan

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.14 of 2018, which is pending on the file of the second respondent.

2. The learned counsel for the petitioner would submit that the 3rd respondent, who is a police official had dashed the petitioner's vehicle and he was in a drunken state. The petitioner sustained serious injuries in his face and he has

lost his eye sight. The petitioner gave a complaint to the second respondent and the same has been kept pending by the second respondent. In the meantime, the police who is involved in this case, gave a complaint to the second respondent as if the negligence is on the part of the petitioner and based on the said complaint, the second respondent has registered an FIR in Crime No.14 of 2018.

3. The learned counsel for the petitioner would further submit that the entire attitude of the second respondent police is biased and the petitioner will not be able to expect a fair investigation by the second respondent.

4. It is seen from the records that the complaint given by the father of the petitioner on 06.01.2018 is still pending. Thereafter, complaint was also given to the Commissioner of Police on 26.02.2018 in this regard.

5. The learned counsel for the petitioner would also submit that this Court in Crl.O.P.No.22436 of 2018 also directed the second respondent to take action on the complaint given by the petitioner in accordance with law and till date, no action has been taken by the second respondent.

6. In the facts and circumstances of the case, liberty is granted to the petitioner to move an appropriate petition under Section 156 (3) of Cr.P.C before the competent Metropolitan Magistrate Court, seeking for a direction to the police to register an FIR based on the complaint given by the father of the petitioner. Once a direction is obtained by the petitioner, the petitioner can always work out his remedy by seeking for investigation of both the FIRs by the same investigating officer.

7. Till the FIR is registered on the complaint given by the petitioner, no direction can be given by this Court as sought for by the petitioner.

8. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

msrm/raja

To

1. The Superintendent of Police,
Crime Branch-Criminal Investigation Department,
CB-CID,
No.220, Pantheon Road,
Egmore,
Chennai - 600 008.
2. The Sub-Inspector of Police,
TIW-Guindy Police Station,
Guindy, Chennai.
3. The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.G.Peranban, Advocate sr.no.80043

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nr 03/12/2018



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