



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26500 of 2018

and

CRL.M.P.No.15261 of 2018

1. Arunrahul
2. Kannadasan

... Petitioners

-vs-

- 1.The Superintendent of Police,
CBCID, Thanjavur.
- 2.The Superintendent of Police,
Ariyalur District.
- 3.Inspector of Police,
T.Palur Police Station,
Ariyalur District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure to transfer the investigation in FIR No.269 of 2018, on the file of the Inspector of Police, T.Palur Police Station, Ariyalur District, to the 1st respondent.

For Petitioners : Mr.T.Elumalai

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking to transfer the investigation in FIR No.269 of 2018, pending on the file of the third respondent police.

2. The learned counsel for the petitioners would submit that on 02.08.2018, the 1st petitioner was driving a vehicle along with the 2nd petitioner. Another vehicle which was coming on the opposite side carrying three persons crashed into the petitioners' vehicle in a high speed. Due to this accident, the 2nd petitioner sustained grievous hurt and he was taken to Jayankondam Government Hospital by ambulance. In the hospital, a lady constable had taken the statement of the petitioners



regarding the accident. Subsequently, the 2nd petitioner was transferred to a Speciality Hospital and he was admitted in Kavery Hospital, Chennai on 04.08.2018. In spite of best efforts, the 2nd petitioner's right foot was amputated.

WEB COPY

3. The learned counsel for the petitioners would submit that there is an accident register available at Jayankondam Government Hospital wherein the entry regarding the treatment taken by the 2nd petitioner on 02.08.2018 is available and there was also a statement taken by the constable. In spite of same, no FIR was registered as against the accused persons.

4. The learned counsel for the petitioners would further submit that instead of registering the FIR, based on the statement given by the petitioners, the respondent police have gone ahead and received a complaint from the accused persons and have registered an FIR against these petitioners on 04.08.2018. Therefore, according to the learned counsel for the petitioners, the entire investigation is a farce and the actual victims have now been made as accused persons and are made to face a false case.

5. The learned Additional Public Prosecutor, on instructions, would submit that based on the complaint given by one Velmurugan, the respondent police have registered an FIR for the offence under Sections 279 & 337 of IPC against these petitioners. The investigation has been completed and the final report has already been filed before the Judicial Magistrate, Jeyankondam on 20.11.2018 and the same has also been taken cognizance in S.T.C.No.688 of 2018. The learned Additional Public Prosecutor would further submit that no complaint has been received from these petitioners and therefore, no FIR was registered by the respondent police.

6. This Court has carefully considered the submissions made on either side.

7. The petitioners have sought for transfer of investigation in Crime No.269 of 2018. This FIR has been investigated and the final report has already been filed. It is, therefore, left open to the petitioner to independently challenge the proceedings which has been taken cognizance in STC.No.688 of 2018.

8. Insofar as the grievance of the petitioners that no complaint was entertained from the petitioners and no FIR was registered against the accused persons, in spite of accident register available at Jayankondam General Hospital and in spite of the lady constable taking the statement from the petitioners, shows that the entire investigation is vitiated.

9. The learned counsel for the petitioners also brought to



the notice of this Court, the representation made to the Superintendent of Police on 06.10.2018 in this regard. It is seen that the petitioners out of anxiety, have sent several complaints to the Director General of Police, Inspector General of Police and also to SC/ST Commission. All these petitions will not help the petitioners to get FIR registered.

10. In view of the fact that there is the accident register recorded at Jeyankondam General Hospital on 02.08.2018 and the statement taken from the petitioners on the same day and the same being reflected in the representation made to the 2nd respondent on 06.10.2018, liberty is given to the petitioners to file an appropriate petition under Section 156(3) of Cr.P.C. before the appropriate Jurisdictional Magistrate Court in order to get FIR registered against the accused persons. The petitioners shall accordingly workout their remedy.

11. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

ssr/kal

To

1. The Superintendent of Police,
CBCID, Thanjavur.

2. The Superintendent of Police,
Ariyalur District.

3. The Inspector of Police,
T. Palur Police Station,
Ariyalur District.

4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. T. Elumalai, Advocate sr 87127.

CRL.O.P.No.26500 of 2018
and
CRL.M.P.No.15261 of 2018

SSI (CO)
SP(18/12/2018)