

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.27551 of 2018

Vijayakumari

...Petitioner

Vs.

1.The Superintendent of Police,
Dharmapuri District, Dharmapuri.

2.The Deputy Superintendent of Police,
Harur, Dharmapuri District.

3.The Inspector of Police,
Morappur Police Station,
Dharmapuri District

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to transfer the investigation in Crime No.234 of 2017 on the file of the Inspector of Police, Morappur Police Station, Dharmapuri District to any other competent authority to conduct a free and fair investigation and to file a final report within a stipulated time.

For Petitioner :Mr.C.Prabakaran

For Respondents :Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking for transfer of investigation in Crime No.234 of 2017, which is pending on the file of the third respondent.

2.The petitioner's husband met with an accident on 04.08.2017 and the two wheeler driven by him was hit by a lorry and the lorry did not stop at the scene of occurrence. With very great difficulty, the lorry was spotted and the driver of the lorry also admitted the accident and assured to return the vehicle after unloading the cement bags that were carried in the lorry.

3.A complaint was given by the petitioner and the respondent police registered an FIR in Crime No.234 of 2017 for an offence under Sections 279 and 304(A) of IPC. Thereafter, the petitioner has been making repeated representation informing the third respondent about the lorry,

which caused the accident and also the name of the driver who had driven a lorry in a rash and negligent manner. However, the third respondent has not made any progress in the investigation and till today neither has the lorry been seized nor the driver has been arrested. Since all the efforts made by the petitioner failed, the petitioner has now approached this Court seeking for transfer of investigation.

4.The third respondent who is supposed to conduct a fair and the effective investigation, seems to be in deep slumber. The petitioner who has lost her husband has been made to run from pillar to post right from the year 2017 and the third respondent has not even seized the lorry or arrested the driver and there is absolutely no progress in the investigation. This Court is not happy in the manner in which the investigation has been conducted in this case.

5.In view of the above, this Court is of the considered view that the first respondent namely the Superintendent of Police, Dharmapuri will have to monitor the investigation conducted by the third respondent. Already the petitioner has intimated the lorry, which caused the accident and also the name of the driver who had driven the lorry. These facts will have to be immediately taken into consideration and appropriate action has to be immediately taken by the third respondent. The first respondent shall closely monitor the investigation done by the third respondent and ensure that a fair investigation is conducted in this case. The third respondent is further directed to complete the investigation and file a final report as expeditiously as possible.

6.This Criminal Original Petition is disposed of with the above directions.

Sd/--

Assistant Registrar(Ccc)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Dharmapuri District, Dharmapuri.

2.The Deputy Superintendent of Police,
Harur, Dharmapuri District.

3.The Inspector of Police,
Morappur Police Station,
Dharmapuri District

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.Prabakaran, Advocate SR.No. 81622

Cr1.O.P.No.27551 of 2018