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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Order Reserved on : 02.03.2018

Order Pronounced on : 18.05.2018

CORAM

**THE HONOURABLE MR.JUSTICE P. RAJAMANICKAM**

CRL.OP(MD).No.2384 of 2018

S. Matheswaran

... Petitioner

Vs.

1.The Superintendent of Police,  
Trichy.

2.The Inspector of Police,  
Navalpattu Police Station,  
Navalpattu post,  
Thiruvarambur Taluk,  
Trichy District.

3.The Superintendent of Police,  
CBCID,  
Chennai.

...Respondents

**Prayer** : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to transfer the investigation in Cr.No.221 of 2017 pending on the file of the 2<sup>nd</sup> respondent to the third respondent or any other competent agency.

For Petitioner : Mr.P. Ganapathi Subramanian  
Mr.G. Kandhavadivelan  
Mr.B. Sekar

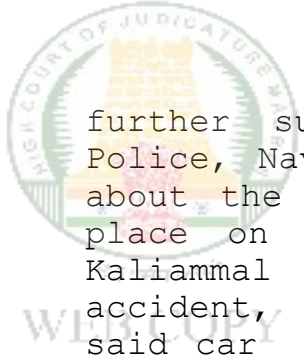
For Respondent Nos.1 to 3 : Mr. Prabu Ramachandran  
Government Advocate (Crl.Side)

### O R D E R

This petition has been filed by the accused u/s.482 of Cr.P.C., to transfer the investigation in Cr.No.221 of 2017 pending on the file of the second respondent to the third respondent or any other competent agency.

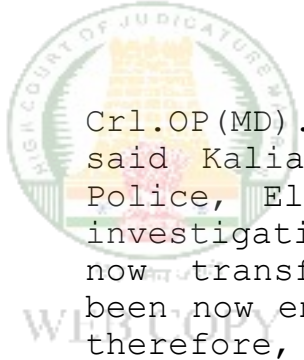
2. Heard learned counsel for the petitioner, Mr.P.Ganapathi Subramanian, Mr.G.Kandhavadivelan and Mr.B.Sekar and learned Government Advocate (Crl.Side), Mr.Prabu Ramachandran for the respondents.

3. Learned counsel for the petitioner has submitted that one <https://hcservices.ecourts.gov.in/hcservices/> Kaliammal, who is family friend of the petitioner, is the owner of the Maruthi Swift Desire Car bearing Regn.No.TN 55 AW4289. He



further submitted that one Mr.M.Senthilkumar, Sub-Inspector of Police, Navalpattu Police Station enquired with the said Kaliasammal about the involvement of her car in the road accident that took place on 01.09.2017 at about 10.00 p.m. Even though the said Kaliasammal stoutly denied the involvement of her car in the said accident, the said Sub-Inspector of Police has forcibly took the said car from the petitioner's house on 06.11.2017 at about 2.00 a.m., Hence, the said Kaliasammal has filed a petition in CrI.OP.(MD) No.15549 of 2017 seeking for the release of the said car. This Court, by its order dated 15.11.2017, directed the first respondent to submit a report. Accordingly, the first respondent has filed a report stating that the said car has been involved in Cr.No.221 of 2017 u/s.304 (A) IPC on the file of the second respondent. This Court passed an order on 05.12.2017 directing the second respondent to return the said car to the said Kaliasammal after producing the same before concerned RTO and as per the order of this Court, the second respondent after producing the vehicle before the RTO returned the said vehicle to the said Kaliasammal. Hence, the said CrI.OP.(MD)No.15549 of 2017 was disposed on 12.12.2017. He further submitted that the aforesaid vehicle was not at all involved in the accident. But with a view to help the victim of the deceased for getting compensation, the second respondent has falsely implicated the aforesaid vehicle and also the petitioner herein as he was driving the said vehicle at the relevant time. He further submitted that the second respondent has not investigated the matter in an unbiased manner and hence, the investigation may be transferred to the third respondent or any other competent agency for fair and unbiased investigation.

4. The learned Government Advocate (CrI.Side), on the contrary, has submitted that one Abbas Ali gave a complaint in the Navalpattu Police Station on 02.09.2017 at 07.20 a.m., stating that on 01.09.2017 at about 10.00 p.m., his mother Farida @ Farida Begum, while crossing Thiruchi - Pudukottai Main Road, in front of Bharathidasan University bus stop, a white car which was coming from the side of Pudukottai, hit against the said Farida @ Farida Begum and caused death. He further submitted that based on the said complaint, a case was registered in Cr.No.221 of 2017 u/s.304 (A) IPC and thereafter, the matter was taken up for investigation by Mr.Elangovan, the then Inspector of Police, Navalpattu Police Station. He further submitted that during investigation, the said Inspector of Police has collected the details of the car passed on 01.09.2017 from 9.00 p.m., to 10.00 p.m., from Manager on Nallur Toll Plaza. The video footage collected from the said Toll Plaza would show that the aforesaid Maruti Swift Desire Car got certain damages on the front side and based on the said evidence, the owner of the said vehicle viz., Kaliasammal was enquired. She has stated that on the relevant date, the said vehicle was in the custody of the petitioner herein and accordingly, the petitioner herein was enquired and found that the said vehicle was involved in the said accident and hence, the said vehicle was seized and produced before the RTO for inspection and as per the order passed by this Court in



Crl.OP(MD).No.15549/2017, the said vehicle was handed over to the said Kaliammal. He further submitted that the said Inspector of Police, Elangovan has implicated the said vehicle after thorough investigation and he further submitted that the said Elangovan was now transferred and further investigation of the aforesaid case has been now entrusted with the new Inspector viz., Mr.Subramanian and therefore, he prayed to dismiss the aforesaid petition.

5. The case diary which has been produced by the second respondent is perused. The case diary shows that the Inspector of Police Elangovan has obtained video footage from the Lakshmananpattai Toll Plaza with regard to the vehicles which were passed through the said Toll Plaza on 01.09.2017 between 9.00 p.m., and 10.00 p.m., The video footage would show that as many as 23 white cars passed through the said Toll Plaza on 01.09.2017 between 9.00 p.m., to 10.00 p.m., It also shows that the vehicle bearing No.TN 55 AW 4289 also passed through the said Toll Plaza. The Inspector of Police has inspected few vehicles including the car bearing No.TN55 AW4289. He found that in the aforesaid car, the front Bumper and the front Number Plate have been replaced recently and hence, he directed the Sub-Inspector of Police to seize the said vehicle and sent for inspection to the RTO. Accordingly, the said vehicle has been seized and produced before the RTO for inspection and thereafter, it was returned to the owner of the said vehicle viz., Kaliammal. The petitioner has not stated, in his petition, any motive for falsely implicating him and also the aforesaid car in the above case. It is not the case of no evidence. Some evidence has been collected by the Inspector of Police for implicating the aforesaid car in Cr.No.221 of 2017 u/s.304(A) IPC.

6. It is also to be pointed out that the then Inspector of Police, Elangovan who investigated the matter is now transferred and further investigation has been taken over by the present Inspector of Police viz., Mr.Subramanian. The petitioner has prayed in his petition to transfer the investigation either to the third respondent or to some other agency. In this case, already the Investigating Officer was transferred and now a new Investigating Officer has taken the matter for further investigation. Under the said circumstances, the investigation need not be transferred to some other agency.

In the result, this petition is dismissed.

Sd/-  
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar



To

1. The Superintendent of Police,  
Trichy.

2. The Inspector of Police,  
Navalpattu Police Station,  
Navalpattu post,  
Thiruvarambur Taluk,  
Trichy District.

3. The Superintendent of Police,  
CBCID,  
Chennai.

4. The Additional Public Prosecutor,  
Madurai Bench Of Madras High Court,  
Madurai.

GV/VS

DS/JC/SAR-2 :31.05.2018: 4P/5C

Order made in  
CRL.OP(MD).No.2384 of 2018  
18.05.2018