



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Reserved on :09.01.2018
Pronounced on :19.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.317 of 2018

Jayalakshmi

... Petitioner

-Vs-

1. The Inspector General of Police,
C.B.C.I.D,
24, Pantheon Road,
Egmore,
Chennai-600 008.

2. The District Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation of FIR.No.106/2017, dated 05.03.2017 on the file of the 3rd respondent, Vachakarapatti Police Station to the 1st respondent for conducting investigation and file final report.

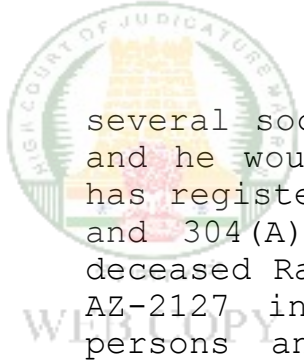
For Petitioner : Mr.R.Murugappan
For Respondent : Mr.Prabhu Ramachandran
Govt. Advocate (Crl.Side)
for RR-1 to 3

O R D E R

This Criminal Original petition has been filed to transfer the investigation in Cr.No.106/2017, from the file of the 3rd respondent to the 1st respondent.

2.Heard both sides.

3.The learned counsel for the petitioner has submitted that the petitioner is the mother of the deceased Rajapandi. He further submitted that the said Rajapandi is aged about 27 years and he has got degrees of M.A and B.Ed. He is not having any bad habits and always, he would drive his two wheeler very slowly and carefully. He further submitted that the deceased Rajapandi has participated in



several social activities and hence, there were enemies against him and he would have been murdered by them, but the third respondent has registered a case in Cr.No.106/2017 under Sections 279, 337, 388 and 304(A) I.P.C, alleging that on 04.05.2017 at 8.30 a.m, the deceased Rajapandi has driven the two wheeler bearing Regn.No.TN-67-AZ-2127 in a rash and negligent manner and dashed against two persons and caused injuries to them at Virudhunagar - Sathur National Highways between Naduvapatti Petrol Bunk and Ettur Vattam and in the said accident, the deceased Rajapandi also sustained injuries and also died on the spot. The petitioner firmly believed that the deceased might have been murdered by some persons and he would not have died in the road accident. He further submitted that in spite of repeated representations made by the petitioner and her family members, the third respondent has not conducted the investigation in a proper manner and hence, the investigation may be transferred to the first respondent.

4.The learned Government Advocate (Crl.Side) has submitted that the deceased Rajapandi have driven a two wheeler bearing Regn.No.TN-67-AZ-2127 Hero Honda Splendor motorcycle in a rash and negligent manner and dashed against two persons and caused injuries to them and thereafter, he hit in a road median and fell down and sustained serious injuries and died on the spot. He further submitted that based upon the complaint given by one of the injured persons namely Sakkarai, a case has been registered in Cr.No.106/2017 under Section 279, 337, 338 and 304(A) I.P.c against the deceased. He further submitted that subsequently, one of the injured persons namely Sasikumar succumbed to the injuries. He further submitted that one of the injured persons and also the persons who have witnessed the occurrence have categorically stated that the petitioner's son Rajapandi has driven the motorcycle in a rash and negligent manner and dashed against two persons and finally hit in the road median and fell down and sustained serious injuries and died on the spot and therefore, there is no basis for the contention of the petitioner that her son has been murdered by some other persons and therefore, investigation need not be transferred from the third respondent to first respondent.

5.This Court has perused the Case Diary. FIR shows that based upon the complaint given by one of the injured persons namely Sakkarai, a case has been registered by the third respondent in Cr.No.106/2007 under Sections 279, 337, 338, 304(A) I.P.C on 05.03.2017 against the petitioner's son namely Rajapandi. The said Sakkarai has stated in his complaint that he is residing at Chinnaramalingapuram and on 04.03.2017 at about 5.30 p.m, when he was going padha yatra along with other persons on the Virudhunagar-Sathur Main Road near Naduvapatti Petrol Bunk, a person, who was riding a motorcycle bearing Regn.No.TN-67-AZ-2127 in a rash and negligent manner and dashed against him and also against one Sasikumar and thereafter, the said person hit against the road median and fell down and sustained injuries and died on the spot. He further stated that subsequently, he came to know that the name



of the said deceased is Rajapandi. The petitioner has not attributed any motive against the said defacto complainant to give such a complaint against the petitioner's son.

6.The case diary shows that the Investigating Officer/third respondent has examined some other persons who were accompanying the defacto complainant at the time of occurrence and they also gave statements corroborating the statement of the defacto complainant. It is also to be pointed out that the petitioner herein has submitted a representation before the District Collector on 12.06.2016, wherein, she has specifically admitted that her son died in the road accident and made request to the District Collector to provide compensation and that being so, it is not open to the petitioner to change her mind and to state that her son has been murdered by some persons. It is also to be pointed out that except the vague and bald allegations, the petitioner has not produced any material to show that her son has involved in social activities and because of the said social activities, there were enemies against him. Therefore, I am of the view that the investigation need not be transferred from the third respondent to the first respondent.

7.In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector General of Police,
C.B.C.I.D,
24, Pantheon Road,
Egmore, Chennai-600 008.
2. The District Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.R.Murugappan, Advocate SR.No. 49695

order made in
Cr1.O.P.(MD) No.317 of 2018
19.02.2018