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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.14928 of 2018

M.Ari Rama Krishnan ...Petitioner

Vs.

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

2.The Special Sub-Inspector of Police,
Shenkottai Police Station,
Tirunelveli District.
(Crime No.314 of 2018)

3.The Inspector of Police,
District Crime Branch,
Tirunelveli District. ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to transfer the investigation of the case in Crime No.314 of 2018 from the file of the second respondent to the file of the third respondent Police for proceeding with the investigation in pursuance to the petitioner's complaint dated 20.07.2018 in Ref.No.ALH 1859147.

For Petitioner :Mr.R.Anand
For Respondents :Mr.M.Chandra Sekaran
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed for a direction to transfer the investigation in Crime No.314 of 2018, on the file of the second respondent to any other agency.

2. The learned counsel appearing for the petitioner would submit that on 12.07.2018, at about 12.30 p.m., the petitioner sustained grievous injuries, as a result of an accident that happened due to the rash and negligent driving of a lorry by the *de facto* complainant and the petitioner. When the petitioner was taking treatment in the hospital, the *de facto* complainant had gone and registered a complaint against the petitioner, as if the petitioner drove his two wheeler in a rash and negligent manner and caused the accident. Based on the said complaint, First Information Report was registered by the second respondent in Crime No.314 of 2018.

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3. The learned counsel appearing for the petitioner would further submit that immediately after having recovered, the

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petitioner gave a complaint from the hospital on 20.07.2018 through online complaint in Ref.No.1859147. However, no action was taken on the complaint given by the petitioner, therefore, the learned counsel would submit that the second respondent is prejudiced and the investigation is not being done properly in this case.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that the investigation is going on and only on completion of the investigation, the Police will come to know who is at fault and who has driven the vehicle in a rash and negligent manner. The learned Additional Public Prosecutor would further submit that no First Information Report has been registered on the complaint given by the petitioner and further submitted that the complaint given by the petitioner can also be taken on file and can be registered and the Deputy Superintendent of Police, Tenkasi, can be directed to take investigation on both the complaints.

5. In view of the submissions made, the second respondent is directed to hand over the entire CD file to the Deputy Superintendent of Police, Tenkasi, within a period of one week from the date of receipt of a copy of this order. The Deputy Superintendent of Police, Tenkasi, is also directed to take on file the online complaint dated 20.07.2018, in Ref.No.ALH 1859147, given by the petitioner and register an First Information Report.

6. The Deputy Superintendent of Police, Tenkasi, shall investigate both the complaints and file a final report as expeditiously as possible.

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

SD
ASSISTANT REGISTRAR (AS)

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SUB ASSISTANT REGISTRAR (CS IV)

tsg

To

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2.The Special Sub-Inspector of Police,
Shenkottai Police Station, Tirunelveli District.
3.The Inspector of Police,
District Crime Branch, Tirunelveli District.
4.The Deputy Superintendent of Police, Tenkasi.
5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. R. ANAND ADVOCATE SR 80305

DS RSK SAR 4.02.10 2018

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