

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2369 of 2019

D.Ruban

... Petitioner

Vs.

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

2.The Superintendent of Police,  
Vellore District.

3.The Inspector of Police,  
Virudampattu Police Station,  
Vellore District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to transfer the investigation in Crime No.525 of 2018 on the file of the Inspector of Police, Virudampattu Police Station, Vellore 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.525 of 2018, pending on the file of the third respondent.

2.The learned counsel for the petitioner submitted that the accused persons drove the vehicle in a rash and negligent manner and dashed against the vehicle that was driven by the petitioner in which the petitioner was travelling along with his wife and daughter. In the said accident, the petitioner sustained

grievous injuries and his daughter also sustained injuries. Both of them were admitted in the hospital and they were taking treatment. A surgery was also performed on the right leg of the petitioner and he was discharged from the hospital on 04.12.2018. In the meantime, the person who had driven the vehicle in a rash and negligent manner seems to have given a complaint against this petitioner and an FIR came to be registered by the third respondent on 05.11.2018 against the petitioner for an offence under Sections 279 and 377 I.P.C.

3.The learned counsel for the petitioner further submitted that this petitioner immediately after discharge from the hospital, gave a complaint on 03.12.2018 to the respondent police and the same has not been taken on file. The learned counsel for the petitioner further submitted that the statement of the petitioner was also recorded by the Police while he was taking treatment in the hospital. Therefore, the learned counsel for the petitioner submitted that the investigation is not being conducted properly and same has to be transferred to some other agency.

4.The learned Additional Public Prosecutor submitted that the fact regarding who was negligent at the time of accident, will get reveal only at the end of the investigation. The learned Additional Public Prosecutor further submitted that the complaint given by the petitioner will also be taken into consideration at the time of investigation and action will be taken against the accused persons in accordance with the materials collected in the course of the investigation.

5.This Criminal Original Petition is disposed of with a direction to the third respondent to register the FIR based on the complaint dated 03.12.2018, given by the wife of the petitioner and investigate both the FIRs and file a final report against the accused persons based on the materials collected in the course of the investigation. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To:

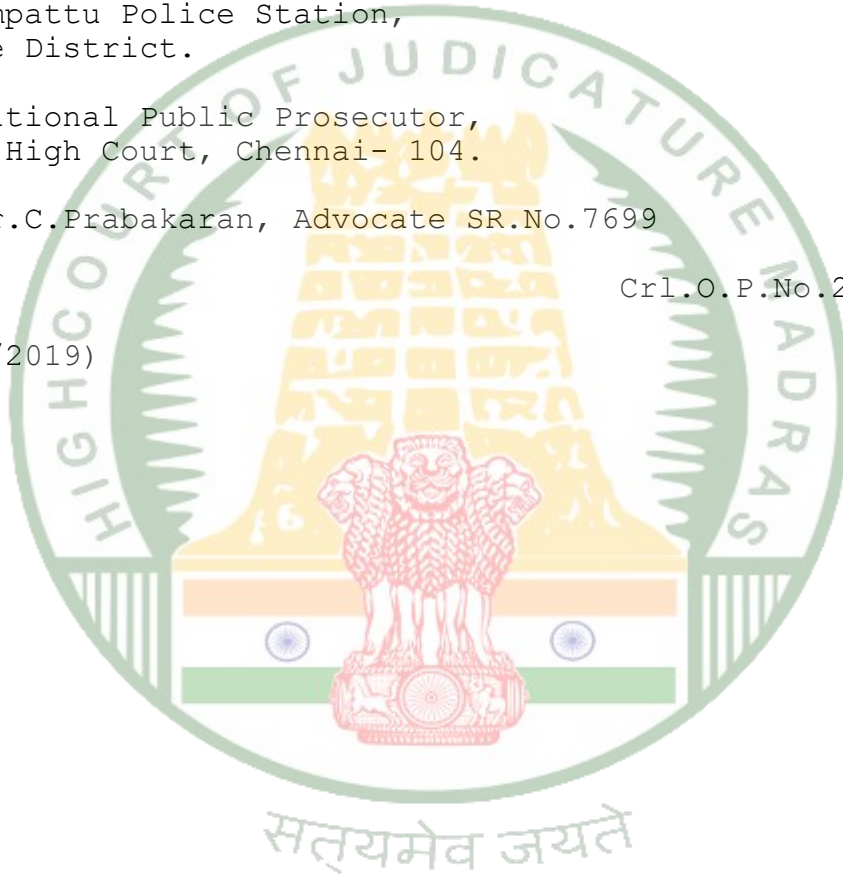
- 1.The Superintendent of Police,  
Vellore District, Vellore.
- 2.The Superintendent of Police,  
Vellore District.
- 3.The Inspector of Police,  
Virudampattu Police Station,  
Vellore District.

- 4.The Additional Public Prosecutor,  
Madras High Court, Chennai- 104.

+lcc to Mr.C.Prabakaran, Advocate SR.No.7699

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EV(CO)  
GMY(19/02/2019)



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