

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.04.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.9338 of 2019

L.Sivakumar ... Petitioner/Aggrived Party
Vs

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

2.The Inspector of Police,
Erode North Police Station,
Erode.

(Crime No.783 of 2015) ... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to order for denovo / fresh investigation in Crime No.783 of 2015 by directing any other independent investigation agency.

For Petitioner : Mr.M.Guruprasad

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to order for denovo / fresh investigation in Crime No.783 of 2015 by directing any other independent investigation agency.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3.The petitioner respectfully state that based on a complaint given by one Sumithra wife of Suresh a case was registered on 14.10.2015 in Crime No.783 of 2015 under Sections 279 and 337 of IPC @ 279, 337, 338 of IPC r/w 181 MV Act. The petitioner respectfully state that one named Mr.Thirumurugan is arrayed as an accused on the allegation that he was the driver, who had ridden the bus and caused the collusion, whereby 34 people have been injured. The petitioner resides in the above mentioned address and he is an ardent believer of hard work started a small business as a cloth merchant and he was doing it successfully. In order to expand his business, he ventured into transport business and decided to invest his hard earned money in it. As a beginner to the transport business, the petitioner had approached one Mr.Jeyaraman, a close acquaintance of the petitioner to help him in buying buses. Mr.Jeyaraman, who was dealing in transport business willingly came forward to

sell one of his bus bearing registration No.TN 69 F 2229. And the petitioner had also bought another bus from his son-in-law viz., Saravanan bearing Registration No.TN 34 A 1600 with due diligence of law, based on a bonafide trust were both share. Both these mini buses duly comply with the name change procedure, had submitted all the relevant documents with the Transport Authorities then itself. In this connection, the petitioner also possesses a due acknowledgment issued by the Erode Regional Transport Office. It is also a fact, the petitioner has been duly paying the Insurance premium for these two mini buses. The accident took place on 12.10.2015 at about 8.00 a.m and the case was registered in Crime No.783 of 2015 on the file of the second respondent only on 14.10.2015, i.e, two days after the alleged occurrence. No explanation was offered for the belated complaint. Hence, this petition has been filed.

4.Considering the above facts and circumstances, this Court is not inclined to entertain this petition for further investigation in this Crime. Since crime was registered on 14.10.2015 and thereafter, completed investigation and filed final report on 04.11.2015 by the second respondent herein. After the period of four years now the owner of the bus come forward this petition for further investigation for the reason, he was not examined by the second respondent, this Court finds no merits in this petition.

5.Accordingly, this Criminal Original Petition is dismissed

Sd/-

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

rna

To

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

2.The Inspector of Police,
Erode North Police Station,Erode.

3.The Public Prosecutor,High Court, Madras.

+1cc to Mr.M.Guruprasad , Advocate SR.No. 34530

CrI.O.P.No.9338 of 2019

A.SK(07/06/2019)