



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.07.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.15747 of 2019

S.Prabavathy

...Petitioner

Vs.

1. Union Territory of Puducherry
represented by
The Superintendent of Police (Traffic)
Office of the Superintendent of Police
(Traffic), J.N Street,
Puducherry-600 001.

2. The Inspector of Police (South)
Traffic Police Station,
Villianur, Puducherry.

3. The Station House Officer (South)
Traffic Police Station,
Villianur,
Puducherry.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the respondents to consider the representation dated 30.06.2015 submitted by the petitioner and direct them to properly investigate into the matter and file a charge sheet / final report in Cr.No.100 of 2015 dated 15.04.2015 on the file of the Station House Officer (SHO), Traffic Police Station (South), Villianur, Puducherry before the concerned Magistrate Court within a time frame by transporting the de-facto complainant Mr.Arunagiri as an accused.

For Petitioner : Mr. Prakash Adiapadam

For Respondents 1 to 3 : Mr.Bala Murugan
Public Prosecutor
Puducherry.

ORDER

This petition has been filed seeking for a direction to the respondent police to investigate the FIR pending in Crime No.100 of 2015 and to file a final report.



WEB COPY

2. The learned Additional Public Prosecutor submitted that the investigation has been completed and a final report was also filed before the Judicial Magistrate No.I, Puducherry on 23.09.2015 and the same has been taken on file in STC No.907 of 2016 and the same is pending till today at the stage of trial.

3. The learned counsel for the petitioner submitted that till today the petitioner has not been communicated anything by the respondent police regarding the stage of the case and she has been completely kept in dark. The learned counsel further submitted that unless the petitioner is given an opportunity to put forth her case before the Court below, it will not be possible to establish the negligence on the part of the de-facto complainant in this case. The learned counsel submitted that it was in fact due to the rash and negligent driving of Arunagiri, the accident took place and the petitioner's father-in-law sustained severe head injury and injuries all over his body.

4. In view of the above development, no further orders can be passed by this Court and it is left open to the petitioner to approach the trial Court and participate in the proceedings and put forth all the grievances before the trial Court. It is for the trial Court to decide as to who had driven the vehicle in a rash and negligent manner based on the materials collected during trial.

5. This Criminal Original Petition is disposed of with a direction to the Judicial Magistrate No.I, Puducherry to dispose of the proceedings in STC No.907 of 2016, within a period of four months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. Judicial Magistrate No.I,
Puducherry.

2.The Superintendent of Police (Traffic)
Office of the Superintendent of Police
(Traffic), J.N Street,
Puducherry-600 001.

3. The Inspector of Police (South)
Traffic Police Station,
Villianur, Puducherry.



4. The Station House Officer (South)
Traffic Police Station,
Villianur,
Puducherry.

WEB COPY

5. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.Prakash Adiapadam, Advocate, S.R.No.57017

+1cc to the Public Prosecutor, Puducherry, S.R.No.57135

CRL.O.P No.15747 of 2019

SPD (CO)

RRS (01/08/2019)