

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.32992 of 2014

1.Ilavarasi .. 1st Petitioner/Wife of Deceased
2.Devaki .. 2nd Petitioner/Mother of Deceased

Versus

1. State through the
Inspector of Police,
Ariyalur Police Station,
Ariyalur District,
(in Cr.No.148 of 2014 u/s.304A IPC)
2. The District Superintendent of Police,
Ariyalur District,
Ariyalur. Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to transfer the investigation of the above case in Ariyalur police station Cr.No.148 of 2014 u/s 279, 337 and 304A (2 counts) from the 1st respondent to any other competent police officer for investigating the case properly.

For Petitioner : M/s.C.Jagadish

For Respondents: M/s.M.Prabhavathy
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.148 of 2014.

2.The learned counsel for the petitioners submitted that the 1st petitioner is the wife of the deceased Iyappan and the 2nd petitioner is the mother of the deceased Karthikeyan. According to the petitioners, though a case in Crime No.148 of 2014 was registered for the offence under Sections 279, 337 and 304A (2 counts), no worthwhile investigation has been conducted.

3.The learned counsel for the petitioner further submitted that one Murugan, then Tahsildar, Ariyalur, who happened to be near the place of occurrence, had extended his help to send the injured persons Iyappan and Karthikeyan to the Government Hospital in Ambulance and also informed about the car, which had sped away after causing the accident to the 1st respondent. Based on the information, the police near V.Kaikatti had intercepted the vehicle and caught hold of the driver. The Superintendent of Police, Ariyalur also reached the scene of occurrence. At that time campaigning for Parliamentary Election 2014 was going on and Election Flying Squad was on the move. In fact the flying squad has also informed about the accident to the local police. The car which caused the accident has been apprehended and detained at V.Kaikatti. The 1st respondent had examined the petitioners and recorded their statements on 15.03.2014. When the petitioners approached the 1st respondent one month after the occurrence to get the details of the car, which was involved in the accident for filing claim before the tribunal, the 1st respondent gave evasive reply and stated that only after the completion of the investigation particulars could be given. Till date the investigation is kept pending without any progress.

4.Further, the petitioners have produced the death certificate of the deceased. On perusal of the same, it is found that the death is due to road accident. The petitioners have also produced the paper publications of "Dinamani" and "Daily Thanthi" about the accident. Despite the reasons best known, no worthwhile investigation has been conducted by the 1st respondent.

5.The learned Additional Public Prosecutor appearing for the respondents submitted that the case is still under the investigation and the case diary in Crime No.148 of 2014 is found missing in the police station and the respondent is taking steps to retrieve the same.

6.It is seen that the case diary in Crime No.148 of 2014 is found missing in the police station and the 1st respondent for the reasons best known, has not carried out any investigation, despite two persons lost their life in the accident. Further, the family members are unable to make any claim before the tribunal for want of particulars of the case. Hence, justice would be rendered only if the investigation to be transferred to any other police station.

7.In view of the above, the investigation in Crime No.148 of 2014 is hereby withdrawn from the file of the 1st respondent and transferred the same to the file of Inspector of Police, CBCID, Ariyalur. On receipt of the same, the Inspector of Police,

CBCID, Ariyalur is directed to complete the investigation within a reasonable period by giving top priority. The petitioner to be informed about the progress of the case.

8. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
 2. The District Superintendent of Police,
Ariyalur District,
Ariyalur.
 3. The Inspector of Police,
CBCID, Ariyalur.
 4. The Public Prosecutor,
High Court, Madras.
- +1cc to M/s.C.Jagadish, Advocate, S.R.No.99713

CRL.O.P.No.32992 of 2014

VGI(CO)
CS/06/02/2020

सत्यमेव जयते

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