

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 10929 of 2017

Amudha

..Petitioner

Vs

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

2. The Inspector of Police,
Natrampalli Police Station,
Vellore District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying for a direction to transfer the case in Crime No. 14 of 2017 pending on the file of the 2nd respondent to any other agency for conducting free, fair and impartial investigation to uphold the majesty of justice.

For Petitioner : Mr. C. Prabakaran

For Respondents: Mr. M.Mohammed Riyaz
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

The prayer in the present petition is to transfer the case in Crime No. 14 of 2017 pending on the file of the 2nd respondent to any other agency for conducting free, fair and impartial investigation.

2. Heard both sides and perused the documents available on record.

3. On a perusal of records, it is seen that a case has been registered in Crime No. 14 of 2017 as against the petitioner's

husband for the offences under Section 279 & 337 of IPC with the allegation that when the petitioner's husband was riding his two wheeler, hit against the defacto complainant and three others at about 7 pm near Natrampalli to Jolarpet Road. Thereby, they sustained injuries.

4. It is curious to note that in the complaint made by the defacto complainant, he alleged that he only sustained injuries on his left cheek, left ear, left knee and his left eye brow and no injuries were sustained by his friends, who came along with him at the time of the accident.

5. Whereas, it is seen from the records that defacto complainant had driven the school bus belongs to one Green Valley Matriculation School in a rash and negligent manner and hit against the two wheeler of the petitioner's husband. As a result, the petitioner's husband sustained greivous injuries and fell unconscious and admitted in the Thirupatthur Government Hospital. It is also mentioned in the records of the Thirupathur Government Hospital that the said accident is a road accident occurred while riding a two wheeler hit by bus. It is further seen that until now he has been taking treatment for his injuries. In view of the above contravercy, the petitioner herein apprehends the fair proper enquiry by the 2nd respondent police, hence filed this petition for a direction.

6. It is also seen from the discharge summary issued by the Christian Medical College, Vellore, wherein, it has been mentioned that the petitioner's husband was riding two wheeler, which collided with the school bus. Further, it is also stated that he was not under influence of alcohol at the time of the accident, which clearly shows that the petitioner was riding a two wheeler and the bus was driven by the defacto complainant. But unfortunately, the defacto complainant went to police station and lodged a complaint as if when the defacto complainant and three others were walking on the left side of the road, the petitioner who was coming in the two wheeler, hit the defacto complainant.

7. It is also seen from the accident register that there is no evidence with regard to the treatment taken from the hospital. Without verifying these aspects, the 2nd respondent police had registered a case as against the petitioner's husband. It is very unfortunate that the 2nd respondent without even verifying those documents in an accident case, simply registered a case as against the petitioner's husband. It is also seen that the alleged two wheeler was not sent to motor vehicle inspection, which raises a doubt that the false complaint has been registered against the petitioner's husband to escape from the clutches of law.

8. Considering the facts and circumstances, this Court is of the opinion that this is a fit case for transfer of investigation. Accordingly, the case in Crime No. 14 of 2017 pending on the file of the 2nd respondent is transferred to CBCID, Vellore. The concerned Police Station of CBCID is directed to investigate this case as observed supra and complete the investigation and file a final report. The Superintendent of Police, CBCID, Vellore is directed to monitor the investigation and to see that the investigation is done in a fair and proper manner.

With the above observations and directions the Criminal Original Petition is allowed.

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Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Natrampalli Police Station,
Vellore District.
3. The Superintendent of Police,
CBCID, Vellore District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate, SR.No. 14930

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Kak(29/03/2019)