

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.25664 of 2019

G.Murugavel

...Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Kanchipuram District,
Kanchipuram.

2.The Inspector of Police,
E-6, Tiruporur Police Station,
Tiruporur 637 301.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to pass an order to transfer the investigation from the second respondent/ police vide Crime No.240 of 2019 to any competent authority.

For Petitioner : Mr.P.A.Chithramani

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to transfer the investigation from the second respondent/ police vide Crime No.240 of 2019 to any competent authority.

2. The grievance of the petitioner is that the complainant in the impugned First Information Report in Crime No.240 of 2019 was intoxicated at the time of the accident, which had occurred on 02.09.2019 at 9.45 p.m., which was brought to the notice of the respondent police through the petitioner's complaint and the same has not been taken cognizance.

3.The learned Additional Public Prosecutor appearing for the respondents submitted that based on the complaint against the petitioner herein, proper investigation has been initiated and the same is pending.

4.The learned counsel for the petitioner would apprehend that since the complainant in Crime No.240 of 2019 was intoxicated at the time of the accident, the said aspect has not been taken note of by the respondent police.

5. In my view, mere apprehension cannot be taken into consideration for transferring investigation. Nevertheless, if the investigation is directed to be supervised by the Superior Officer on day to day basis, the ends of justice could be secured.

6. In the light of the above observations, the second respondent to conduct a fair and proper investigation and file a final report as expeditiously as possible. Such investigation shall be monitored by the Additional Superintendent of Police, Mahapallipuram on the day to day basis.

7.The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o.Superintendent of Police,
Kanchipuram District, Kanchipuram.
- 2.The Inspector of Police,
E-6, Tiruporur Police Station,
Tiruporur 637 301.
3. The Additional Public Prosecutor,
High Court of Madras.
4. The Additional Superintendent of Police,
Mahapallipuram.

AKM/19.11.19/2P-5C /

Cr1.O.P.No.25664 of 2019