

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.23482 of 2017

Tamilselvi

...Petitioner

Vs.

1. The Superintendent of Police,
Superintendent Office,
Thiruvarur District.

2. The Inspector of Police,
Thiruthuraipoondi
Thiruvarur District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the 1st respondent to transfer the investigation in Crime No.1026 of 2011 from the 2nd respondent to some other agency for the purpose of conducting proper investigation in view of the representation dated 07.11.2011.

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For Petitioner : Mr. S. Arivazhagan

For Respondents : Mr. C.Raghavan

Government Advocate

ORDER

This petition has been filed seeking for transfer of investigation in Crime No.1026 of 2011 from the file of the 2nd respondent to some other agency.

2. The petitioner's husband was hit by a bus which was driven in a rash and negligent manner and as a result of the same, he sustained grievous injuries. He underwent two surgeries. However, he died on 31.10.2011. The respondent police registered the FIR in Crime No.1026 of 2011. After the investigation, a closure report was filed as "Mistake of Fact".

3. The petitioner filed a protest petition before the Judicial Magistrate, Thiruthuraipoondi in C.M.P.No.3178 of 2013 and the Judicial Magistrate, on considering the entire facts of the case, directed further investigation to be conducted by an officer not less than the rank of an Inspector. Inspite of the said order, there was no progress in the investigation. The learned Judicial Magistrate, by a memo dated 08.05.2015, again reminded the police to investigate and file a final report

as per the earlier order passed by the Magistrate. Even after this, there was no progress in the investigation and therefore, the present petition has been filed before this Court seeking for transfer of investigation.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent police.

5. Taking into consideration the facts and circumstances of the case, this Court deems it fit to transfer the investigation pending on the file of the 2nd respondent police to the file of the Deputy Superintendent of Police, Thiruvarur. The 2nd respondent shall hand over the entire case diary to the Deputy Superintendent of Police, Thiruvarur within a period of two weeks from the date of receipt of copy of this order. The D.S.P, Thiruvarur on receipt of the case diary shall continue with the investigation and complete it as expeditiously as possible and file a final report before the concerned jurisdictional Court.

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6. Accordingly, this Criminal Original Petition is disposed of with the above direction.

01.07.2019

Index: Yes/No
Internet: Yes/No
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N.ANAND VENKATESH.J.,

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To

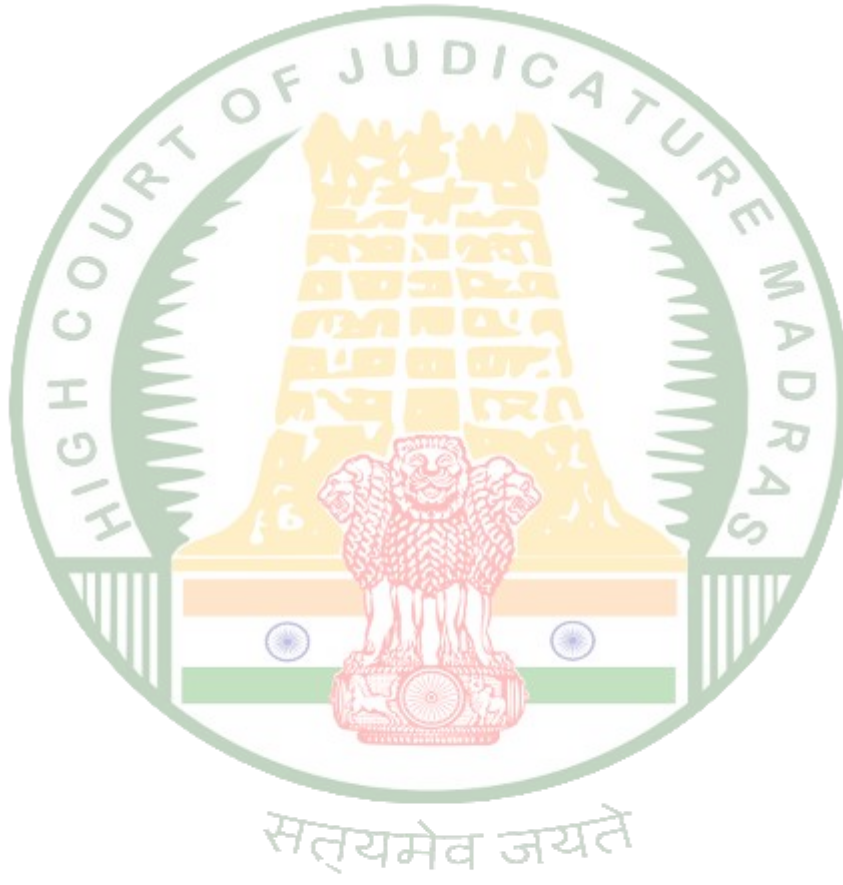
1. The Deputy Superintendent of Police,
Thiruvarur.
2. The Superintendent of Police,
Superintendent Office,
Thiruvarur District.
3. The Inspector of Police,
Thiruthuraipoondi
Thiruvarur District.
4. The Public Prosecutor,
High Court of Madras.



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