



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.(MD)No.1103 of 2018

Karuthamma, W/o.Paraman ... Petitioner
Versus

State Through

1. The Superintendent of Police,
O/o. Superintendent of Police,
Surveyor Colony,
Madurai - 625 007.

2. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Crime No.238 of 2017)

3. The Inspector of Police,
CBCID,
Madurai District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first respondent to withdraw the Crime No.238 of 2017, on the file of the second respondent and transfer the same to the third respondent.

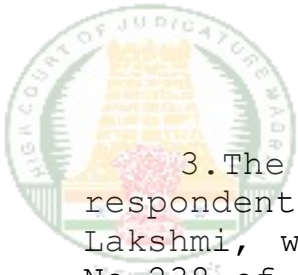
For Petitioner : Mr.L.Prabhu

For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the first respondent to withdraw the Crime No.238 of 2017, on the file of the second respondent and transfer the same to the third respondent.

2.According to the petitioner, she is a grandmother of one Bharathy, who is said to have died in a road accident on 27.07.2017. The death of the said Bharathy was not due to the road accident, but he has been murdered by some person inimical to him. Since she is in such circumstances, she filed the present Criminal Original Petition before this Court seeking the relief stated supra.



3.The learned Additional Public Prosecutor appearing for the respondents submitted that based on the complaint given by one Lakshmi, who is the mother of the said Bharathy, a case in Crime No.238 of 2017 has been registered for the offences under Sections 279, 337 and 304(A) IPC and after completing investigation, a negative final report has been filed on 07.06.2019. The learned Additional Public Prosecutor has also produced the entire case diary before this Court.

4.On perusal of the case diary, it could be seen that the deceased Bharathy and one selvam are said to have travelled in a two wheeler and both of them consumed liquor and while returning to Madurai, the deceased dashed the two wheeler against the centre-median and subsequently, succumbed to the injury. The police also recorded the statements of the eyewitness viz., Ramesh and Jeyakumar @ Vajpay. Both of them have given a statement that only the deceased Bharathy dashed the two wheeler against centre-median and sustained injury. The entire materials available in the case diary shows that the deceased Bharathy died only in the accident. There is no material available to substantiate the case of the petitioner. That apart, the investigation has already been completed and final report has been filed. In the said circumstances, the relief sought for in this Criminal Original Petition cannot be granted. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

smn2

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Surveyor Colony, Madurai - 625 007.
2. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Crime No.238 of 2017)

3. The Inspector of Police,
CBCTD, Madurai District.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.L.PRABHU, Advocate, Sr.No.68678

WEB COPY

Cr1.O.P.(MD)No.1103 of 2018

12.06.2019

BUC (28/06/2019) 3P/6C