



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.13414 of 2019

WEB COPY

Kanagavalli

... Petitioner

-Vs-

1.The State rep. By,
The Additional Superintendent of Police,
Kamuthi Division,
Ramanathapuram District.

2.The Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.
Crime No.76 of 2018.

...1st & 2nd Respondent

3.Chellapandi

...3rd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation in Crime No.76 of 2018 from the second respondent to any other competent officer to be monitored by the first respondent.

For Petitioner

: Mr.A.Arputharaj

For Respondents

: Mr.K.Suyambulinga Bharathi

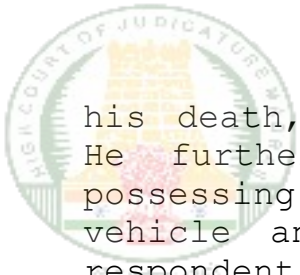
1 and 2

Government Advocate(crl.side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.76 of 2018 from the second respondent to any other competent officer to be monitored by the first respondent.

2.The learned counsel appearing for the petitioner submitted that the petitioner's husband namely Sudalai, was working under the third respondent. While being so, on 03.10.2018, the petitioner's husband Sudalai drove a Sonalika Tractor bearing registration No.TN-72-V-2559 through Keelkudi to Perunazhi near Ponthanguli Channel Bridge, at that time the husband of the petitioner drove the said vehicle in a rash and negligent manner and met with an accident. Therefore, the petitioner sustained grievous injuries and died on the spot. Whereas, the third respondent has given a complaint before the second respondent and the same was registered in Crime No.76 of 2018 under Sections 279 and 304(A) of IPC as against the petitioner's husband. After



his death, charge against the husband of the petitioner abates. He further submitted that the petitioner's husband was not possessing the driving license and does not know to drive the vehicle and the above said fact was suppressed by the third respondent/tractor's owner and gave a complaint before the second respondent. The second respondent police colluded with the third respondent/defacto complainant and could not conduct proper investigation. Therefore, he sought for transfer of investigation from the file of the second respondent to the first respondent.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that on the statement recorded from the third respondent and other witnesses, it is found that the husband of the petitioner only drove the vehicle and he caused accident and died. Therefore, charge against the petitioner's husband abated and also filed a final report to that extent before the concerned Judicial Magistrate.

4.Considering the facts and circumstances of the case, the transfer of investigation cannot be ordered now. However, the second respondent is directed to serve the copy of the closure report to the petitioner and on receipt of the same, the petitioner is directed to approach the concerned judicial Magistrate Court to file a private complaint in the manner known to law.

5.With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)

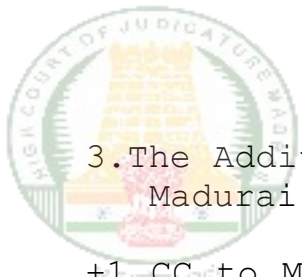
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To

1.The Additional Superintendent of Police,
Kamuthi Division,
Ramanathapuram District.

2.The Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to M/s.A.ARPUTHARAJ, Advocate (SR-89253[F] dated 25/09/2019
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