

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CrI.OP.No.1057 of 2020

S.Suguna

.. Petitioner/Defacto Complainant

-vs-

1.The Commissioner of Police,
EVR Periyar Salai,
Vepery, Chennai.

2.The Inspector of Police,
K4, Anna Nagar Police Station,
(Traffic Investigation Wing)
Anna Nagar, Chennai.

.. Respondents/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation in FIR.No.275 of 2019 from the file of the 2nd respondent to some other police officer for the purpose of conducting a fair investigation and filing a final report.

For Petitioners : Mr.S.Saravanan

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

ORDER

This Criminal Original Petition has been filed by the defacto complainant to transfer the investigation in FIR.No.275 of 2019 from the file of the 2nd respondent to some other police officer for the purpose of conducting a fair investigation and filing a final report.

2. The learned counsel for the petitioner has submitted that on 13.09.2019 at about 7.30 hours when the petitioner was fetching water from tanker lorry which was stationed, then one Ilayaraja who is not the driver of the vehicle, drove the said vehicle bearing Regn.No.TN-31-B-7458 in the reverse direction in a rash and negligent manner and hit against the petitioner and caused serious injuries. He further submitted that immediately,

the petitioner was admitted in the K.M.C Hospital and an intimation was sent to the second respondent , but the second respondent has not come to the hospital and obtained statement from the petitioner and hence, the petitioner has sent a complaint to the first respondent by registered post on 03.10.2019 and the said complaint, was forwarded to the second respondent and based on the said complaint, the second respondent has registered an FIR on 03.11.2019 in Crime No.278 of 2019 for the offence under Section 279 and 337 IPC. Thereafter, he did not take any steps to investigate the matter. He further submitted that the allegations against the accused is that he attempted to commit murder and hence, FIR should be under Section 307 of IPC, but the second respondent colluded with the accused and registered the case under Sections 279 and 337 of IPC and also not taking any steps to investigate the matter and therefore, he prayed to transfer the investigation to some other police officer.

3. Per Contra, the learned Additional Public Prosecutor has submitted that the second respondent is ready to transfer the FIR to Law and Order Police Station, but, the petitioner has not signed in the FIR and hence, the FIR could not be transferred.

4. Admittedly, an FIR has been registered based on the complaint forwarded by the Deputy Commissioner of Police and in such a case, the signature of the petitioner/complainant need not be obtained in the FIR. The second respondent is directed to transfer the FIR to K-3 Aminjikarai Police Station (Law & Order) within a week from the date of receipt of a copy of this order.

With the aforesaid directions, this Criminal Original Petition is disposed of.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

Vv

To

1.The Commissioner of Police,
EVR Periyar Salai,
Vepery, Chennai.

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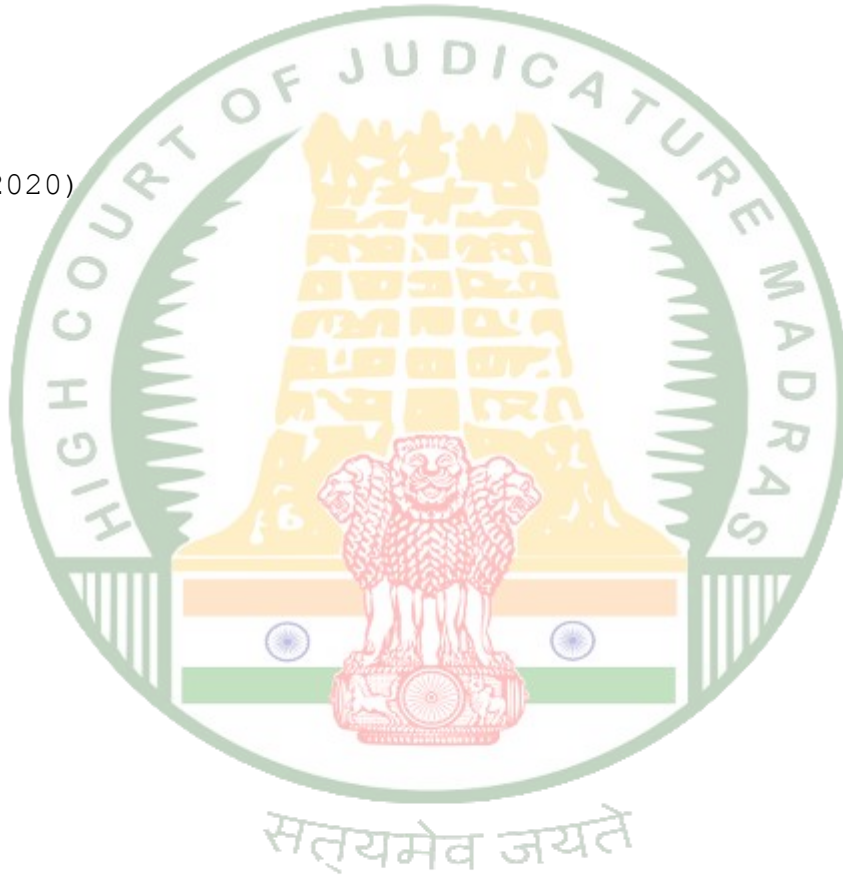
2. The Inspector of Police,
K4, Anna Nagar Police Station,
(Traffic Investigation Wing)
Anna Nagar, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Saravanan, Advocate sr 3820.

CRL.O.P.No.1057 of 2020

PVS (CO)
SP(25/02/2020)



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