

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.15041 of 2020

V.Meenakshi,
D/o.S.Vallavan,
Residing at No.5/151-B,
Ram Nagar, 3rd Street,
Peravallur,
Chennai - 600 082.

... Petitioner

Vs

1. The Commissioner of Police,
Vepery, Chennai.
2. State by
Inspector of Police,
Traffic Investigation Wing,
K-10 Koyembedu Police Station,
Chennai.

... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to transfer the F.I.R.No.61 of 2020 pending before the traffic investigation team, Koyembedu Police Station to any other traffic investigation team.

For Petitioner : Mr.K.Chandru

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed for direction directing the respondents to transfer the F.I.R.No.61 of 2020 pending before the Traffic Investigation Team, Koyembedu Police Station to any other traffic investigation team.

2.The learned counsel appearing for the petitioner submitted that the petitioner was called by the 2nd respondent, in pursuant to the FIR registered in Crime No.61 of 2020. When the petitioner was present before the 2nd respondent with all original documents pertaining to the two wheeler bearing Registration No.TN-05-AX-6917 which was alledgely involved in the accident took place on 02.04.2020, after production of the

documents by the petitioner, the 2nd respondent compelled her to admit the guilty in the concerned Court of law. He further submitted that the petitioner never involved in the accident by riding her motor cycle. Therefore, she sought for transfer of investigation to some other traffic investigation team.

3.Per Contra, the learned Additional Public Prosecutor submitted that on 02.04.2020, when the victim was purchasing flowers in the Anna Fruit Market, Gate No.4, the rider of the two wheeler bearing Registration No.TN-05-AX-6917 caused accident and as such she sustained injuries on her left leg. Thereafter, she came to understand that the petitioner caused accident and lodged complaint mentioning the two wheeler belonging to the petitioner herein. On the complaint, the 2nd respondent registered the FIR in Crime No.61 of 2020 for the offences punishable under Sections 279 and 338 of IPC and under Sections 134(a), 134(b) and 187 of Motor Vehicle Act 1988. When the 2nd respondent called upon the petitioner for enquiry, the 2nd respondent directed the petitioner to produce the vehicle for investigation.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent police.

5.On the complaint lodged by the victim, the case has been registered in Crime No.61 of 2020 for the offences punishable under Sections 279 and 338 of IPC and under Sections 134(a), 134(b) and 187 of Motor Vehicle Act 1988 as against the rider of the two wheeler bearing Registration No.TN-05-AX-6917. According to the defacto complainant, the rider of the two wheeler hit her and as such she sustained injuries in her left leg. Now, the investigation is pending on the file of the 2nd respondent and for investigation purpose, the 2nd respondent called upon the petitioner to produce the vehicle. Admittedly, the two wheeler bearing Registration No.TN-05-AX-6917 belonging to the petitioner and she ought to have attended the enquiry conducted by the 2nd respondent and ought to have produced the vehicle before the 2nd respondent. When the case has been registered as against the rider of the petitioner's vehicle, the petitioner cannot seek for change of investigation and this petition is devoid of merits and the same is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi

To

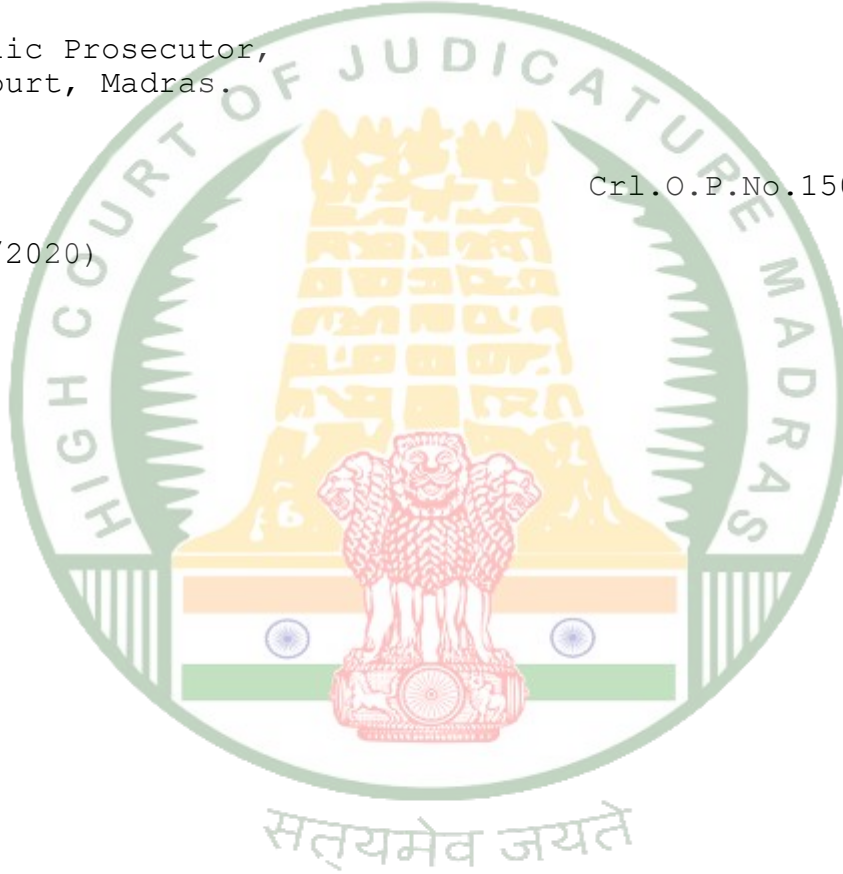
1.The Commissioner of Police,
Vepery, Chennai.

2.The Inspector of Police,
Traffic Investigation Wing,
K-10 Koyembedu Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.15041 of 2020

NMI (CO)
RMP (19/11/2020)



WEB COPY