

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.31075 of 2014

P.Marimuthu

... Petitioner

Vs.

1. The Superintendent of Police,
Erode, Erode District.
 2. The State rep. by
The Inspector of Police,
Goundapadi Police Station, Erode,
Erode District.
 3. The Inspector of Police,
CBCID, Special Wing, Erode,
Erode District.
- ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to to direct the first respondent herein to transfer the case in Cr.No.192 of 2014 on the file of the second respondent to the third respondent agency or any other special agency for investigation and to alter the FIR in accordance with law and to file a final report.

For Petitioner : Mr.P.P.Shanmugasundaram
For Respondents : Mr.R.Ravichandran
Govt. Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking transfer of investigation in Cr.No. 192 of 2014 from the file of the second respondent to the third respondent or to some other agency.

2 According to learned counsel appearing for the petitioner, soon after the accident complaint was lodged, but, the second respondent has not investigated the matter in a proper manner. In fact, on the very next day of accident, the

injured woman was died, but, the second respondent has not even altered the offence. Therefore, the petitioner seeks transfer of investigation of the case in Cr.No.192 of 2014.

3 The learned Government Advocate (Crl.Side) appearing for the respondents would submit that it is a hit an run case and for non filing of charge sheet, the Magistrate has closed the FIR.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is seen that the petitioner sought transfer of investigation, since the second respondent had not investigated the matter in a proper manner. The learned Government Advocate stated that FIR was closed by the Magistrate. The FIR was closed, since the second respondent did not file the charge sheet within the stipulated time, which itself shows that the second respondent did not conduct the investigation in a fair manner. Under these circumstances, this Court is inclined to set aside the closure order passed by the Magistrate in Cr.No.192 of 2014.

6 Accordingly, the closure order passed by the Magistrate in Cr.No.192 of 2014 is hereby set aside and the second respondent is directed to handover entire records relating to Cr.No.192 of 2014 to the third respondent. Third respondent is directed to investigate into the matter and file a charge sheet within a period of three months from the date of receipt of a copy of this order and on filing of charge sheet by the third respondent, the Magistrate concerned is directed to take the same on file without insisting the period of limitation and dispose of the case in accordance with law within a period of three months from the date of filing of charge sheet by the third respondent.

7 This criminal original petition stands allowed with the above directions.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

cgi

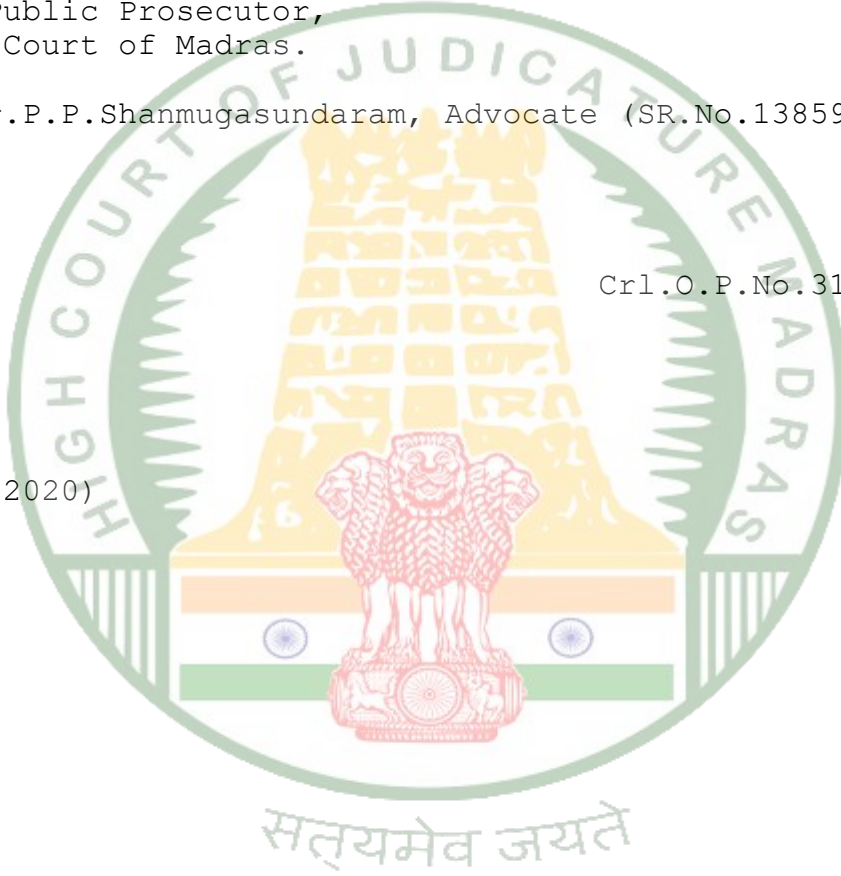
To

1. The Superintendent of Police,
Erode, Erode District.
2. The Inspector of Police,
Goundapadi Police Station, Erode,
Erode District.
3. The Inspector of Police,
CBCID, Special Wing, Erode,
Erode District.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.P.P.Shanmugasundaram, Advocate (SR.No.13859)

Crl.O.P.No.31075 of 2014

CP (CO)
BRI (21.05.2020)



WEB COPY