



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2020

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD).No.657 of 2020

R.Susila

.. Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Ramanathapuram Division,
Ramanathapuram District.

3.The Inspector of Police,
Town Police Station,
Ramanathapuram,
(Crime No.167 of 2018)

.. Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the first respondent to transfer the investigation in Crime No.167 of 2018 on the file of the third respondent to the second respondent based on the petitioner's representation dated 12.11.2018.

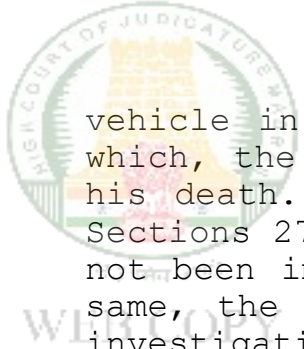
For Petitioner : Mr.S.A.S.Alaudeen

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the first respondent to transfer the investigation in Crime No.167 of 2018 on the file of the third respondent to the second respondent based on the petitioner's representation dated 12.11.2018.

2.The learned counsel appearing for the petitioner would submit that the son of the petitioner viz., Surya died in a road accident. The petitioner had given a complaint in respect of the incident. He would further submit that the driver of the offending vehicle had in violation of the motor vehicle rules, parked the



vehicle in the highway where he is not supposed to park resulting which, the petitioner's son dashed against the vehicle resulting in his death. Though the case was registered for the offences under Sections 279 and 304(A) IPC, the driver of the offending vehicle has not been implicated as an accused in this case. Aggrieved over the same, the present petition has been filed seeking to transfer the investigation.

3.The learned Additional Public Prosecutor would submit that the respondent has completed the investigation and filed final report before the concerned Judicial Magistrate. He would further submit that during the course of enquiry, it transpired that the petitioner's son dashed against the vehicle, which was parked. He would further submit that the final report has been filed as against the son of the petitioner and since he has died the charge against him has abated. However, the learned Judicial Magistrate had mistakenly taken cognizance of the report.

4.Recording the submission made by the learned Additional Public Prosecutor, this criminal original petition is closed. However, the petitioner is at liberty to challenge the final report or seek for further investigation if grounds are made out.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Ramanathapuram Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Town Police Station,
Ramanathapuram,

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