



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM:

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

Cr1.O.P.(MD)No.2296 of 2020
and
Cr1.M.P.(MD)No.1181 of 2020

Samuvel : Petitioner/Accused

Vs.

1.The Superintendent of Police,
Kanyakumari District.

2.The Superintendent of Police,
CBI CID Police, Chennai.

3.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(Crime No.154 of 2018) ... Respondent 1 to 3/Complainant

4.Rajesh : 4th Respondent/Defacto Complainant

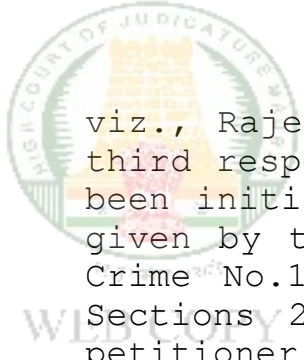
PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the first respondent to withdraw and transfer the investigation of the case registered in Crime No.154 of 2018 on the file of the third respondent to the second respondent or any other investigating agency for investigation in accordance with law.

For Petitioner : Mr.D.Saravanan
For Respondents : Mrs.S.Bharathi
Government Advocate (Cr1. Side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent to withdraw and transfer the investigation of the case registered in Crime No.154 of 2018 on the file of the third respondent to the second respondent or any other investigating agency for investigation in accordance with law.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the driver of two wheeler and was seriously injured in an accident caused by the fourth respondent



viz., Rajesh, in respect of which, a complaint was given to the third respondent police. Based on that complaint, an enquiry has been initiated in C.S.R.No.256 of 2018. Whereas, on the complaint given by the fourth respondent against the petitioner, a case in Crime No.154 of 2018 has been registered for the offence under Sections 279 and 374 of IPC. He would further submit that the petitioner has suffered grievous injury and the petitioner is the actual victim. However, the respondent police conducted the investigation in an one sided and partisan manner and hence, the present petition has been filed seeking for transfer of investigation from the file of the third respondent to the second respondent or any other investigating agency.

3.The learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3 would submit that based on the complaint given by the fourth respondent, a case in Crime No.154 of 2018 has been registered for the offences under Sections 279, 337 and 538 of IPC. She would further submit that after registration of the case, the investigation has been completed and final report has also been filed before the learned Judicial Magistrate-I, Nagercoil, on 06.12.2018. The petitioner is the person who caused accident resulting in three persons sustaining injuries out of which one of them is the pillion rider of the petitioner's bike. She would further submit that on the complaint given by the petitioner, enquiry has been initiated in C.S.R.No.256 of 2018 and the same was closed as "Mistake of Fact".

4.At this juncture, the learned counsel appearing for the petitioner would submit that the respondent police has not served a copy of the closure report in C.S.R.No.256 of 2018 and the final report in Crime No.154 of 2018 to the petitioner.

5.Recording the submission made by the learned Government Advocate (Crl. Side), this Criminal Original Petition is closed. However, the third respondent police is directed to serve a copy of the final report in Crime No.154 of 2018 and closure report in C.S.R.No.256 of 2018 to the petitioner. Consequently, the connected Crl.M.P.(MD)No.1181 of 2020 is also closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

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



To

1.The Superintendent of Police,
Kanyakumari District.

2.The Superintendent of Police,
CBI CID Police, Chennai.

3.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

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

+1 CC to M/s.B.SARAVANAN, Advocate (SR-5708[F] dated 11/02/2020)

Cr1.O.P.(MD)No.2296 of 2020
and
Cr1.M.P.(MD)No.1181 of 2020

dks (CO)

TR(02.03.2020) 3P 6C