



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.O.P(MD)No.5728 of 2020

M.Liyakat Ali

...Petitioner

Vs

1.The Superintendent of Police,
Office of Superintendent of Police,
Pudukottai District.

2.The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

3.Nallammal

...Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying for a direction to the first respondent to pass order for change of investigation for the complaint of the petitioner dated 25.02.2020 from the file of the second respondent to some other agency, within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.K.K.Ramakrishnan,

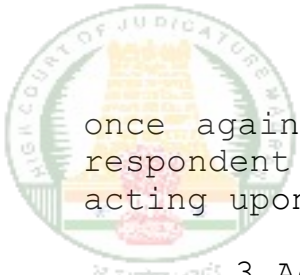
Nos.1 & 2

Additional Public Prosecutor

ORDER

This petition is filed for a direction to the first respondent to change the investigation in Crime No.315 of 2019, from the file of the Inspector of Police, Virailimalai Police Station to some other investigation agency based on the complaint dated 25.02.2020.

2.The learned Counsel for the petitioner submitted that the case in Crime No.315 of 2019 was registered for the offence under Sections 297, 337 and 304 IPC. When the petitioner was riding his two wheeler bearing Registration No.TN48 S0282, one Balasankar, S/O.Arumugam, who came in another two wheeler Hero Honda Splender Plus bearing Registration No.TN 45 AZ 0471 dashed against the petitioner's two wheeler from rear side and suffered injury on the leg. The petitioner also fell down and sustained serious injury and his vehicle was also severely damaged. The said Balasankar, who dashed against the petitioner's vehicle, hit on the median and became unconscious. Subsequently, he died in the hospital. The petitioner was also taken to the hospital at Trichy and surgery was also done on his right leg. When he was taking treatment in the hospital, a case was registered based on the complaint of the deceased wife Nallammal, as if the petitioner rode the two wheeler in a rash and negligent and manner and caused an accident. The petitioner has also lodged a complaint on the same day, but his complaint was not registered by the respondent Police and therefore,



once again, he lodged a complaint through registered post to the respondent police, but even then the respondent Police are not acting upon his complaint.

3. According to the learned Counsel for the petitioner, the deceased in Crime No.315 of 2019 only caused the accident and the Motor Vehicle Inspector's report would disclose that the petitioner's vehicle was hit from behind by the deceased's vehicle.

4. Heard Mr.A.Haja Mohideen, learned Counsel for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor for the State.

5. This Court without expressing anything on the merits of the case, since the petitioner has relied upon the Motor Vehicle Inspector's report and the injury sustained by him that the occurrence has taken place on account of rash and negligent driving of the deceased, the respondent Police shall consider the report of the Motor Vehicle Inspector to ascertain the real offender. However, the Deputy Superintendent of Police, Pudukottai shall monitor the investigation in crime No.315 of 2019.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Dsk

To

1. The Superintendent of Police,
Office of Superintendent of Police, Pudukottai District.

2. The Inspector of Police,
Viralimalai Police Station, Pudukottai District.

3. The Deputy Superintendent of Police,
Pudikkottai, Pudukkottai District.

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

Crl.O.P(MD)No.5728 of 2020

09.06.2020

KB(10.07.2020) 2P 5C