



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **B.PUGALENDHI**

CrI.O.P(MD)No.5801 of 2020

Raji ... Petitioner/
Defacto Complainant
Vs.

1.The State represented by
The Deputy Superintendent of Police,
Thalayuthu,
Tirunelveli District.

2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.297 of 2019)

...Respondents/Respondents

Prayer : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.297 of 2019 from the file of the 2nd respondent to any other competent investigating agency.

For Petitioner	:	Mr.P.Samuel Gunasingh
For R1 - R2	:	Mr.K.K.Ramakrishnan
		Additional Public Prosecutor

O R D E R

This petition has been filed seeking to transfer the investigation in Crime No.297 of 2019 from the file of the second respondent to any other competent investigating agency.

2.The petitioner is the defacto complainant in Crime No.297 of 2019, on the file of the second respondent. It is stated in the complaint that the petitioner's brother's son was killed in a road accident. The petitioner on his own efforts collected some materials that it is one Mupidathy's tractor was involved in the occurrence. However, the case was originally registered as against unknown vehicle. Since the petitioner on his own efforts has collected certain materials and made a representation to the Superintendent of Police and to the Deputy Superintendent of Police as on 18.02.2020, the same was not considered, is the grievance of the petitioner.



2.The learned Additional Public Prosecutor, on instructions, submits that the witnesses are only created and it is not a correct picture as stated by the petitioner and it is not the TATA ACE vehicle involved in the accident.

3.Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the State.

4.Without going into the merits of the case, since the petitioner has collected some evidence or materials on his own efforts, it is the duty of the respondent Police to enquire into the veracity of the evidence and the materials placed before the investigation officer. The investigation officer shall consider the representation of the petitioner dated 18.02.2020 and conclude the investigation in a fair manner. The first respondent/Deputy Superintendent of Police, Thalayuthu, is directed to monitor the investigation in Crime No.297 of 2019.

5.With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg/dsk

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Deputy Superintendent of Police,
Thalayuthu, Tirunelveli District.

2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

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

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