



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P.(MD)No.9073 of 2020

P.Muniammal

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Theni, Theni District.

2.The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent herein to transfer the investigation of the case registered in Crime No.354 of 2019 on the file of the second respondent to any other Inspector of Police, Theni District.

For Petitioner	: Mr.A.R.Kannappan
For Respondents	: Mr.S.Chandrasekar Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to the first respondent to transfer the investigation of the case registered in Crime No.354 of 2019 on the file of the second respondent to any other Inspector of Police, Theni District.

2.Heard, the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the respondents.

3.Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing on behalf of the respondents, on instructions, would submit that on 18.08.2019, based on the complaint given by one Muthuvadivel who is working as a Driver in Tamil Nadu State Transport Corporation, the second respondent registered a case in Crime No.354 of 2019 for the offence punishable under Sections 279 and 337 of IPC.

4.He would further submit that in the First Information Report, one Thavasi Raja, was cited as an accused, alleging that at the time of occurrence, the said Thavasi Raja drove the vehicle with rash and negligent manner and dashed against the vehicle which came from opposite side. However, immediately after the occurrence he



was admitted in the Government Hospital, Theni, for taking treatment, but, in spite of giving necessary treatment, on 22.08.2019, he was died in the above said hospital. Further submission of the respondent is that since the accused himself was died, the investigation in the above referred First Information Report has been completed as 'charge abated' and therefore, changing the investigation is not necessary in this matter.

5.Now on considering the facts and circumstances of the case, it is relevant to pass further orders in this matter. In general, if the person committed an offence was died in the occurrence itself, immediately after recording the same, the Police Officer who investigated the said crime has to file a final report before the Court concerned as ' charge abated.'

6.But in this case, the learned Additional Public Prosecutor fairly conceded that so far the Investigation Officer, in this matter has not filed a final report before the Jurisdictional Magistrate. Now on considering the same, though the alleged occurrence had happened on 20.08.2019, the reason for non-filing of final report, immediately after the death of the accused is best known to the Investigation Officer only.

7.Therefore, it would appropriate to give a direction to the Deputy Superintendent of Police, Theni, Theni District, to monitor the investigation to be done by the second respondent in Crime No.354 of 2019, dated 20.08.2020, in accordance with the law prescribed.

8.Accordingly, this Criminal Original Petition is disposed of with a direction to the Deputy Superintendent of Police, Theni, Theni District, to monitor the investigation to be done by the second respondent in Crime No.354 of 2019, dated 20.08.2019, in accordance with the law prescribed.

Sd/-

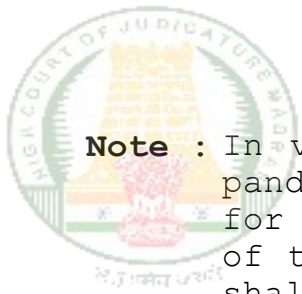
Assistant Registrar (CSII)

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Sub Assistant Registrar(CS)

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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 Superintendent of Police,
Office of the Superintendent of Police,
Theni, Theni District.
- 2.The Sub Inspector of Police,
Thenkarai Police Station,
Theni District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Deputy Superintendant of Police,
Theni District,
Theni.

Crl.O.P.[MD]No. 9073 of 2020
31.08.2020

KB(11.09.2020) 3P 5C