



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.[MD]No.9246 of 2020

Rasu

... Petitioner

Vs.

1.The Superintendant of Police,
Thanjavur District, Thanjavur.

2.The Inspector of Police,
Pattukkottai Taluk Police Station,
Pattukkottai, Thanjavur District.
(Crime No.95/2019)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the first respondent police to transfer the investigation pending on the file of the second respondent police in crime No.95 of 2019, dated 07.05.2019 to any other investigating agency on the basis of the petitioner's representation dated 17.08.2019.

For Petitioner : Mr.S.Deenadhayalan

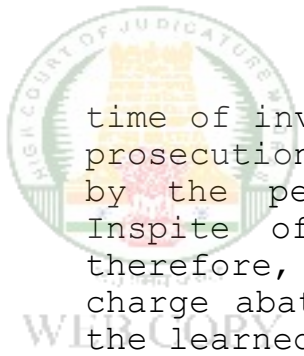
For Respondents : Mr.S.Chandrasekar,
Additional Public Prosecutor.

O R D E R

This criminal original petition has been filed seeking a direction to direct the first respondent police to withdraw the investigation in Crime No.95 of 2019 dated 07.05.2019 from the file of the second respondent and to transfer the same to any other investigating agency on the basis of the petitioner's representation dated 17.08.2019.

2.The learned counsel appearing for the petitioner would submit that in earlier, when at the time of alleged occurrence had happened in respect to the Crime No.95 of 2019, the son of the petitioner drove the two wheeler bearing Registration No.TN49-AU5985. At the same time, some other vehicle was came in rash and negligence manner and hit against the vehicle which was driven by the petitioner's son. In this regard, after registration of the case, the second respondent herein without enquiring the real incident, foisted the case against the petitioner's son, who is died as a result of the petition mentioned accident.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that initially when at the time of accident, one Vijayaragavan, who is the owner of the vehicle, dashed against the petitioner's vehicle and a case has been registered by the second respondent police in Crime No.95 of 2019. During the



time of investigation, all the witnesses examined on the side of the prosecution, made a submission as only upon the negligence committed by the petitioner's son, the alleged occurrence had happened. In spite of necessary treatment, the petitioner's son died and therefore, the second respondent police prepared a final report as charge abates. However, the said charge sheet is not filed before the learned Judicial Magistrate, who is having jurisdiction.

4.The submission made by the learned Additional Public Prosecutor is recorded.

5.Upon considering the arguments advance by either side, since the investigation reveals the fact that the alleged accident had happened only due to the negligence on the part of the petitioner's son, it is not necessary to transfer the investigation from the file of the second respondent to any other Officer. However, in the said circumstances, the only course available to the petitioner is to take steps to approach the Competent Officer for initiating further investigation in the investigation conducted by the second respondent.

6.With the above observations, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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 Superintendant of Police,
Thanjavur District, Thanjavur.
- 2.The Inspector of Police,
Pattukkottai Taluk Police Station,
Pattukkottai, Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.[MD]No.9246 of 2020
dated 02.09.2020

SPU (14.09.2020) 2P 4C

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