



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.11.2020
CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P (MD) No.12839 of 2020

Logeswari : Petitioner/Wife of Victim Husband
vs.

1)The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.

2)The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

3)The Inspector of Police,
CBCID,
Sivagangai District. : Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 1st respondent herein to transfer the investigation of the above case in Crime No.186/2020 from the file of the 2nd respondent Police to the file of the 3rd respondent i.e., Inspector of Police CBCID for investigation and to file a report within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Malaiyendran
For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

The present petition has been filed to transfer the investigation of the above case in Crime No.186/2020 from the file of the 2nd respondent Police to the file of the 3rd respondent i.e., Inspector of Police CBCID for investigation and to file a report within the time stipulated by this Hon'ble Court.

2.The learned counsel for the petitioner would state that the petitioner's husband is a Mason by profession and on 26.06.2020 about 07.40 p.m., while he was returning to home after work, a Car bearing registration No.TN 63 PE 3974 was driven in a rash and negligent manner and while it was overtaking the petitioner's husband's motor cycle, the driver of the Car suddenly applied break and stopped the vehicle and due to the impact, the petitioner's



husband's motor cycle dashed the said Car, in which, the petitioner's husband sustained grievous injuries and he died on 08.07.2020 during treatment in Government Rajaji Hospital, Madurai. Thereafter, when the petitioner along with her deceased husband's brother went to the 2nd respondent police, to file a complaint, they came to know that the owner of the Car was the Sub Inspector of Police and therefore, the 2nd respondent refused to entertain the petitioner's complaint. But on the other hand, the 2nd respondent entertained the false complaint given by the owner of the said Car as if the petitioner's husband was responsible for the accident. According to the petitioner, the said complaint was given only on 01.07.2020 after 5 days of the alleged accident and it was registered under Sections 279 and 337 IPC in Crime No.186/2020 against the petitioner's deceased husband. Therefore, the petitioner has filed the present petition for transfer of investigation.

3.Since the driver of the Car involved in the accident, is the Sub Inspector of Police, the learned Additional Public Prosecutor would pray for monitoring of the investigation by the 1st respondent/Superintendent of Police.

4.Considering the above said facts and circumstances and the submissions, ends of justice would be met by directing the 1st respondent to monitor the investigation. Accordingly, the 1st respondent/Superintendent of Police is directed to monitor the investigation in Crime No.186/2020 and after investigation, the 2nd respondent shall file the final report within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

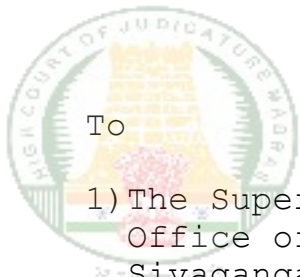
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/ /2020

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,
Sivagangai District.
- 2) The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
- 3) The Inspector of Police,
CBCID,
Sivagangai District.
- 4) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P(MD)No.12839 of 2020
DATED : 23.11.2020

SS (CO)
CS (03.12.2020) 3P 5C