



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.13396 of 2020

C.Kalimuthu

... Petitioner

vs.

- 1.The Director General of Police,
No.1, Dr.Radhakrishnan Road,
Mylapore,
Chennai.
- 2.The Commissioner of Police
Madurai City,
Madurai.
- 3.The Inspector of Police
Traffic Investigation Wing No.2,
Thallakulam,
Madurai City.
Crime No.323 of 2018
- 4.The Inspector of Police
Law and Order,
E-3, Anna Nagar Police Station,
Madurai.
- 5.The President,
United India Insurance Company Ltd.,
24, Whites Road,
Chennai - 14.
- 6.The Manager,
Zonal Office,
National Highway Authority of India,
307, Melur Main Road,
(Near to Mattuthavani Bus Stand),
K.K. Nagar,
Madurai-20.

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent transfer the investigation in Crime No.323 of 2020 from the file of the third respondent, which is investigated by the fourth respondent to any other competent investigation authority for conducting an impartial investigation in this case.

For Petitioner : No Appearance

For Respondents 1 to 4 : Mr.V.Neelakandan

Additional Public Prosecutor

For Respondents 5 and 6 -

Notice Dispense with.

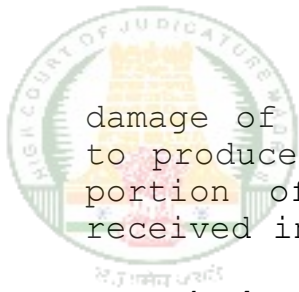


O R D E R

This Criminal Original Petition has been filed to direct the first respondent transfer the investigation in Crime No.323 of 2020 from the file of the third respondent, which is investigated by the fourth respondent to any other competent investigation authority for conducting an impartial investigation in this case.

2.The learned counsel for the petitioner would state that on 30.11.2018, the 3rd respondent/police came to the petitioner's house and enquired about a fatal accident, in which, a TNSTC driver died on 23.11.2018 at four-way track near Vaigai River Bridge(BJP Thidal), Madurai. Apart from the petitioner, the 3rd respondent had also enquired 23 passengers of a van which had crossed the accident spot at the time of accident. According to the petitioner, he did not know about the alleged accident and the 3rd respondent informed that a case in Crime No.323 of 2018 has been registered for the offence under Sections 279, 304(A), 187 IPC and the deceased is a State Transport Corporation driver and he is also the relative of a practicing advocate and since the 3rd respondent could not find the offending vehicle which had caused the accident, compelled the petitioner to admit the occurrence as his vehicle had also travelled at the time of accident and had taken his vehicle to the police station. According to the petitioner, a small portion in the front bottom side of his vehicle was damaged even before the alleged date of accident and the petitioner produced the photographs taken through the CCTV camera prior to the accident. The petitioner appeared before the respondents/police and he was compelled to admit the case for the purpose of accident claim, but he refused to do so and apprehending that the petitioner may be falsely implicated in the above case, he sent a representation dated 06.09.2019 to the respondents to transfer the investigation in the above case to some other agency and thereafter, he was also informed that his name is going to be added as accused in the above case. Hence, the petitioner has filed this petition.

3.The 4th respondent/police has filed a status report. The learned Additional Public Prosecutor would state that one Nagarajan lodged a complaint before the 3rd respondent/police and based on the same, FIR in Crime No.323/2018 was registered under Sections 279, 304(A) IPC r/w 187 of the Motor Vehicles Act, 1988. In the complaint, the complainant has stated that he is a practicing advocate in Madurai and his wife's brother namely, S.Muthuramu while returning to home on 12.11.2018 about 23.00 hours, in his two wheeler, at BJP ground, Ring Road, Maduari, an unknown vehicle hit his two wheeler, due to which, the said Marimuthu was thrown away and succumb to injuries on the spot. The respondent/police after investigation and going through the CCTV footage, suspected the petitioner's Omni Van bearing registration No.TN 58 W 3557 and found that during the occurrence, the above vehicle was passed on the road and the said vehicle only hit the two wheeler which resulted in



damage of its front side. Thereafter, the petitioner was summoned to produce his vehicle and samples were collected from the damaged portion of the vehicle for expert opinion and the report was received in affirmative.

4.The learned Additional Public Prosecutor would further state that the petitioner filed Crl.O.P(MD)No.22720/2018 praying not to harass him under the guise of enquiry and this Court by order dated 02.01.2019 directed the 3rd respondent to register the FIR and the petitioner has also filed Crl.O.P(MD)No.213/2019 for transfer of investigation to CBCID and this Court by order dated 28.02.2019 directed the Assistant Commissioner of Police (L&O), Anna Nagar, to monitor the investigation. Again, for the second time, samples collected were sent for forensic analysis at Chennai and the experts opined that the same were matched during the examination which would prima facie show that the petitioner's vehicle involved in the accident. He would further state that due to non co-operation of the petitioner by filing frivolous applications, the investigation could not be completed. Thus, he would pray that transfer of investigation is not warranted.

5.There is no appearance by the learned counsel for the petitioner. Heard the learned Additional Public Prosecutor for the respondents 1 to 4. In view of the order going to be passed, notice to the respondents 5 and 6 is not necessary.

6.After going through the status report filed by the 2nd respondent, this Court is satisfied that the investigation in this case is going on the right direction and therefore, transfer of investigation in my opinion is not warranted.

7.Accordingly, this Criminal Original Petition is dismissed.

Sd/

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

bala/rm
To

1.The Director General of Police,
No.1, Dr.Radhakrishnan Road,
Mylapore,
Chennai.

2.The Commissioner of Police
Madurai City,

<https://hcservices.madurai.gov.in/hcservices/>



- 3.The Inspector of Police
Traffic Investigation Wing No.2,
Thallakulam,
Madurai City.
- 4.The Inspector of Police
Law and Order,
E-3, Anna Nagar Police Station,
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Zonal Office,
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307, Melur Main Road,
(Near to Mattuthavani Bus Stand),
K.K. Nagar,
Madurai-20.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
CrI.O.P.[MD]No.13396 of 2020
DATED : 17.12.2020

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SR(CO)
KK(29.12.2020) 4P 8C