



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2020

CORAM:

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**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

W.P. (MD)No.5085 of 2016  
and  
W.M.P. (MD) .No.4521 of 2016

G.Kumaresan

... Petitioner

**Vs .**

1. The Government of Tamil Nadu,  
represented by the Home Secretary,  
Secretariat, St.George Fort, Chennai.
2. The Director General of Police,  
O/o. The Director General of Police,  
Beach Road, Chennai.
3. The Superintendent of Police,  
Office of the Superintendent of Police,  
Ramanathapuram District, Ramanathapuram.
4. The Deputy Superintendent of Police,  
CBCID, B.B. Kulam,  
Madurai District.
5. The Inspector of Police,  
Parthipanoor Police Station,  
Ramanathapuram District.  
(Crime No.136 of 2015)

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to transfer the case in Crime No.136 of 2015, dated 03.11.2015, on the file of the fifth respondent and entrust the same to the fourth respondent for investigation of the case by a competent officer within the time stipulated by this Court.

|                 |   |                              |
|-----------------|---|------------------------------|
| For Petitioner  | : | Mr.T.Lajapathi Roy           |
| For Respondents | : | Mr.S.Chandrasekar            |
|                 |   | Additional Public Prosecutor |



**O R D E R**

This Writ Petition is filed seeking Mandamus to direct the third respondent to transfer the investigation of the motor accident case registered in Crime No.136 of 2015, dated 03.11.2015, on the file of the fifth respondent.

2. Heard the learned counsel appearing for the petitioner.

3. The acquisition made in the affidavit is that he along with one Kannan, a Flower Shop owner at Paramakudi, went to Madurai, to purchase flowers and returning back in the Omni car bearing registration No.TN 58 A 6166, while they were near the bus-stop of Keelaperunkarai. Heard the learned counsel appearing for the petitioner Village in Madurai to Rameswaram Road, the police vehicle bearing Registration No.TN 67 G 0159, hit the Omni car, in which, Kannan died in the spot and the petitioner sustained severe injuries, losing his tooth and fractured in his right leg. He was admitted in the Government Hospital and thereafter, transferred to the Velammal Hospital, Madurai, for further treatment. While so, the Police has fabricated the facts and made the deceased Kannan as the accused, instead of Mariyappan, who is the driver of the Police vehicle. Though it was Mariyappan, who has driven the vehicle in a rash and negligent manner, the First Information Report reflect as if Kannan drove the vehicle in a rash and negligent manner and this First Information appears to have been registered based on the statement given by the writ petitioner. Denying giving any statement, the present Writ Petition is filed that the procedure followed by the first respondent, registering the case against Kannan in Crime No.136 of 2015 is totally illegal. No statement was given by the petitioner to the Police, while so, the First Information Report has been registered, as if, he has given a statement to the Police, implicated Kannan, as an agressor and violator, who caused for the road accident.

4. The fifth respondent herein has filed a detailed counter, wherein, he has specifically stated that, on receiving intimation about the accident, he went to the spot and prepared rough sketch and observation mahazar and enquired the witnesses nearby. During the investigation, he came to know that the omni car driver drove the car in a rash and negligent manner and he proceeded towards east from west and over took a Tata Ace vehicle at the SOC on the right side. At that time, the Police van proceeded towards west from east in the correct boundary. But the deceased Kannan has not noticed the vehicle and hit on it. The investigation has disclosed that the accident occurred due to carelessness of the said Kannan / Driver of the Omni car.



5. The learned Government Advocate (Crl. Side) appearing for the State would submit that the Investigating Officer has gone to the spot, prepared rough sketch and also taken photographs of the damaged vehicle. Thereafter, he has proceeded with the enquiry by recording the statement of 16 witnesses.

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6. The photographs of the scene of occurrence was also shown before this Court. On seeing these photographs, this Court is convinced that the version of the respondents is fully supported with the photographs, which is not a tainted evidence. Since this Court finds that no fabrication or manipulation of facts in this case, there is no necessity for transfer of investigation. Hence, this Writ Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (Crl.side)

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/ /2020

Sub Assistant Registrar(CS)

**To**

1. The Home Secretary,  
Secretariat, St.George Fort, Chennai.
2. The Director General of Police,  
O/o. The Director General of Police,  
Beach Road, Chennai.
3. The Superintendent of Police,  
Office of the Superintendent of Police,  
Ramanathapuram District, Ramanathapuram.
4. The Deputy Superintendent of Police,  
CBCID, B.B. Kulam,  
Madurai District.
5. The Inspector of Police,  
Parthipanoor Police Station,  
Ramanathapuram District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-10410[F] dated 06/03/2020)

TSG

TE : 17/03/2020 : 3P/7C

Order made in  
W.P. (MD)No.5085 of 2016  
Dated: 05.03.2020