



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 2.6.2021.

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.8021 of 2021

D.Sundarajan

...Petitioner

vs.

1. State By: The Inspector of Police,
Kottur Police Station,
Thiruvarur District.

2. Govindhan

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to issue a direction to transfer the investigation of the case in Crime No.229 of 2015 on the file of the respondent No.1 to some other investigation agency.

For Petitioner : Mr.P.Pugalenth

For R1 : Mr.A.Damodharan,
Govt. Advocate (Crl.Side)

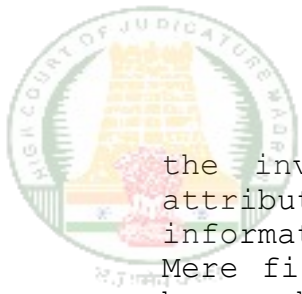
ORDER

The Criminal Original Petition has been filed seeking to transfer the investigation to some other agency.

2. It is the grievance of the petitioner that the police has received a false complaint from the brother of the petitioner and filed an FIR as against the deceased and therefore, the investigation has to be transferred to some other agency.

3. It is to be noted that it is a simple case of accident. The very first information has been lodged by the brother of the petitioner. The same discloses the fact that the deceased drove the motorcycle in a high speed and dashed against the Tractor and sustained injury. Based on that, the matter has been investigated and now, charge sheet was filed against the deceased.

4. In such view of the matter, merely because FIR has been filed against the deceased, it cannot be a ground to transfer



the investigation to some other agency. No malice can be attributed to the investigating agency since the first information has been lodged by a family member of the deceased. Mere filing of FIR in a Criminal Case against deceased will not be a bar to claim any compensation under civil law. The petitioner can work out his remedy and establish the negligence on the part of the driver of the Tractor before the appropriate Motor Accidents Claims Tribunal for compensation purposes. This court is of the view that no further direction is required in this matter. Accordingly, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Inspector of Police,
Kottur Police Station,
Thiruvarur District.
2. The Public Prosecutor,
High Court of Madras,
Chennai.

Cr1.O.P.No.8021 of 2021

PMK (CO)
GN(15/07/2021)