



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2021

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CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8335 of 2021

P.Muralidharan
S/o, Pandian

... Petitioner

Vs.

1. The State rep. by
The Superintendent of Police,
Villupuram,
Villupuram District.
2. The Inspector of Police,
Tiruvennainallur Police Station,
Villupuram District.
3. Poovalakannan
S/o, Kuppusamy

... Respondents

PRAYER: Criminal Original petition has been filed under Section 482 of Cr.P.C, prayed to issue a direction to transfer the investigation in Crime No.680 of 2019 from the file of the 2nd respondent police to CBCID or any other investigation agency.

For Petitioner : Mr.E.Sathiyaraj

For R1 & R2 : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.680 of 2019 pending on the file of the second respondent to the file of the CBCID.

2. The learned Government Advocate (Criminal Side) appearing for the respondents 1 & 2 would submit that on 09.10.2019 when the petitioner was riding the two wheeler viz., Hero Honda Splendor bearing registration No.TN-32-AW-1123 towards Villupuram to Ulunthurpet in Chennai to Trichy National Highway near Eruvelpattu Village, a Maxi Cab Tempo Traveller bearing



registration No.TN-06-U-5721 was driven by the driver in a rash and negligent manner on the same direction and dashed on the backside of the petitioner's vehicle and also dashed the backside of the vehicle which was driven by the son of the third respondent herein and flew away from the spot of the occurrence. The third respondent lodged a complaint as if the accident took place only because of the rash and negligent driving of the petitioner herein and an F.I.R was registered against the petitioner. In fact, the victim's mother lodged a complaint on the same date of the accident ie. on 09.10.2019 and specifically averred that the Tempo Traveller which was driven in a rash and negligent manner dashed on the back side of the petitioner's vehicle as well as the third respondent's son's vehicle and ran away without stopping the vehicle.

3. Further, the learned Government Advocate would submit that from the extract of the Shift Incident Register, which was maintained by the Toll Gate employees at the Ulundurpet Expressways Private Limited categorically recorded that one Tempo Traveller dashed behind the petitioner's vehicle as well as the third respondent's son's vehicle and ran away from the spot. Even then the second respondent registered an F.I.R as against the petitioner for the offences punishable under Sections 279 and 337 IPC. Even on 22.03.2021, the mother of the petitioner lodged a complaint before the second respondent requesting to register the case as against the driver of the Maxi Cab Tempo Traveller bearing registration No.TN-06-U-5721 and to file a final report. Even then, the second respondent did not take any steps to alter the accused name and to complete the investigation.

4. The learned Government Advocate further submitted that after registering an F.I.R in Crime No.680 of 2019 as against the petitioner for the offences punishable under Sections 279 and 337 of IPC, the investigation is pending. The representation sent by the petitioner is under consideration.

5. Heard Mr.E.Sathiyaraj, learned counsel appearing for the petitioner and Mr.A.Damodaran, learned Government Advocate (Criminal Side) appearing for the official respondents.

6. It is seen that on 09.10.2019, when the petitioner was riding the motor vehicle towards Villupuram to Ulunthurpet at Chennai to Trichy National Highways near Eruvelpattu village, the son of the third respondent was also riding his motor vehicle on the same direction. While doing so, according to the petitioner, the driver of the Maxi Cab Tempo Traveller bearing registration No.TN-06-U-5721 had driven the vehicle in a rash and negligent manner and hit backside of the petitioner's vehicle as well as the third respondent's son's vehicle and ran



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away without stopping the vehicle. The extract produced by the petitioner was also revealed that the Shift Incident Register which was maintained by the Ulundurpet Expressways Private Limited (TOLL GATE) recorded the accident that the Tempo Traveller hit the petitioner's vehicle as well as the third respondent's son's vehicle and ran away without stopping the vehicle. Due to the said accident, the petitioner as well as the son of the third respondent sustained injuries and they were immediately taken to hospital for treatment. Immediately after the accident i.e., on 09.10.2019 itself, the mother of the petitioner lodged a complaint and categorically mentioned about the vehicle which was hit the petitioner's vehicle and its registration number. Even then, the second respondent did not consider the same and registered an F.I.R on the complaint dated 11.10.2019 lodged by the third respondent as if the accident was took place for the reason that the petitioner drove his two wheeler in a rash and negligent manner and caused the accident. The mother of the petitioner has also lodged an another complaint on 22.03.2021 to register the case as against the driver of the Tempo Traveller. Even then, the second respondent simply kept the F.I.R in cold storage and not even conducted any investigation on this aspect.

7. Considering the facts and circumstances, the second respondent is directed to consider the records produced by the petitioner and also the complaint lodged by the petitioner's mother and enquire the driver and owner of the Maxi Cab Tempo Traveller bearing registration No.TN-06-U-5721 and complete the investigation in Crime No.680 of 2019 and file a final report within a period of three months from the date of receipt of a copy of this order. The first respondent is directed to monitor the investigation done by the second respondent as directed by this Court.

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

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mfa/dn



To

1. The Superintendent of Police,
Villupuram,
Villupuram District.

2. The Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Sathiyaraj, Advocate, S.R.No.27691

Cr1.O.P.No.8335 of 2021

(CO)
HS(22/07/2021)