

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.19216 of 2020

S.Parimala,
W/o.Selvam.

... Petitioner

Vs.

1. The State rep. by,
The Joint Commissioner,
Traffic Investigation Wing,
Vepery Range, Chennai.
 2. The Deputy Commissioner,
Traffic Investigation Wing,
Anna Nagar Range, Chennai.
 3. The Inspector of Police,
Traffic Investigation Wing,
Anna Nagar, Chennai.
 4. The Sub-Inspector of Police,
Traffic Investigation Wing,
Anna Nagar, Chennai.
- Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the 3rd respondent to re-investigate the matter in Crime No.111 of 2020 pending before the 4th respondent based on the petitioner's complaint dated 22.09.2020.

For Petitioner : Mr.S.Sugendran

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking for re-investigation of the case in Crime No.111 of 2020, pending on the file of the 4th respondent.

2. The 3rd respondent has filed a status report in this case. The relevant portions in the status report is extracted hereunder:

"2.It is submitted that the case of the prosecution is that the defacto complainant by name, Tr.Charles has lodged a complaint before the 4th respondent Police stating that he is working in extile shop at Velachery. On 07.09.2020, at about 14.30 hours, while the defacto complainant drove a two wheeler Hero Passion Pro vehicle bearing Reg.No.TN-22-DS-4442 at 100 feet road, Arumbakkam Vinayagapuram signal junction via South to North, at the same time, one male aged about 55 years suddenly crossed the road by running from West to East direction and dashed the defacto complainant's vehicle and caused injury to the defacto complainant and his wife as well as the said male person sustained head injury. Immediately, said male person was taken to the KMC Hospital for treatment. Hence, this complaint.

3.It is submitted that based on the above complaint, a case was registered in K-4, Traffic Investigation Wing, Anna Nagar, Crime No.111 of 2020, U/s.279, 338 IPC on 07.09.2020 at about 17.00 hours by Tr.Jayaraman, Special Sub Inspector of Police and taken up the case for investigation.

4.It is submitted that during the course of investigation, the then Inspector of Police went to the scene of occurrence, drew rough sketch and prepared observation mahazar in the presence of witnesses by name Tr.Ramu and Tr.Abdul Wahiff and also examined the following witnesses and recorded their statements:

- (i)Tr.Charles - defacto complainant
- (ii)Tr.Anand - eye witness
- (iii)Tr.Sundaramoorthy - eye witness

All of the above said witnesses corroborated the same version of the complaint.

5.I submit that during the course of investigation, the injured person was identified as Selvam, M/A 60 years, S/o.Irusappan, No.2, 1st Street, Sri Krishna Nagar, Nerkundram, Chennai. Subsequently, the injured person Selvam was taken to Rajiv Gandhi Government Hospital, Chennai for further treatment wherein on 18.09.2020, the injured person Selvam was succumbed to injury.

6.I submit that based on the above, on 18.09.2020, I have altered the section into 279, 304 (A) IPC from 279, 338 IPC. Later, I have collected

CCTV footage from the scene of occurrence, which reveals that the said Selvam/deceased only has crossed the road without seeing the road and dashed the defacto complainant's vehicle and caused accident.

7.I submit that during the course of investigation, on 11.09.2020, I have produced the accident involved vehicle i.e.two wheeler bearing Reg.No.TN-22-DS-4442 before the Motor Vehicle Inspector, Chennai-102 for his inspection and the report was obtained. Also Postmortem Certificate was received on 18.09.2020. The investigation is completed. The Final Report is under preparation for "Further Action Dropping".

8.I submit that based on the available CCTV footage, which reveals that the deceased Selvam has tried to chase one unknown person who has snatched his belonging, while he was sleeping near the road side. Based on this incident, on 29.09.2020, the Assistant Commissioner of Police, Traffic Investigation Wing, Anna Nagar Range, Chennai, sent a requisition letter to the Deputy Commissioner of Police, Anna Nagar District, Chennai to take action in this regard."

3. Heard Mr.S.Sugendran, learned counsel appearing on behalf of the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor, appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case and the status report filed by the 3rd respondent, there is no scope for ordering re-investigation in this case and this Court is not inclined to grant the relief as sought for by the petitioner.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Joint Commissioner,
Traffic Investigation Wing,
Vepery Range, Chennai.
2. The Deputy Commissioner,
Traffic Investigation Wing,
Anna Nagar Range, Chennai.
3. The Inspector of Police,
Traffic Investigation Wing,
Anna Nagar, Chennai.
4. The Sub-Inspector of Police,
Traffic Investigation Wing,
Anna Nagar, Chennai.
5. The Public Prosecutor,
High Court, Madras.

NRL (CO)
RMP (03/02/2021)

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