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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18249 of 2021

Radhika

...Petitioner

Vs.

1. The Commissioner of Police,
Vepery,
Chennai.
2. The Assistant Commissioner of Police,
Traffic Investigation Wing,
Chinthathiripet,
Chennai.
3. The Inspector of Police
N-2, Police Station (Traffic Wing),
Kaasimedu
Chennai.

...Respondents.

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to transfer the investigation to the any competent officer other than 3rd respondent in crime No.26 of 2021 on the file of the 3rd respondent within stipulated time that may be fixed this Hon'ble Court by considering the Petitioner's representation dated 14.07.2021.

For Petitioner : Mr.A.Venkatesan

For Respondents : Mr.R.Vinoth Raja,
Government Advocate(crl.side)

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to transfer the investigation in crime No.26 of 2021 from the 3rd respondent to the any competent officer .

2. The learned counsel for the petitioner would submit that the petitioner had sent a complaint on 14.07.2021 through



Registered Post to the respondents informing that on 10.07.2021, when the petitioner's son, namely, Vijay and her sister's son, namely, Dinesh Kumar were riding their two wheeler, bearing Registration No.TN-03-X-5889 and crossing the junction of Tondirapet Jeevarathinam Salai , a Pulsar vehicle bearing No.TN 03 W 2887 came in a rash and negligent manner and dashed against his vehicle and left the scene of occurrence. Thereafter, on 11.07.2021, complaint was given by the petitioner's husband before the 3rd respondent, but, the respondent police refused to receive the same, which necessitated the petitioner to send the complaint, on 14.07.2021, through Registered Post. But, no action has been taken so far. On the contrary, the complaint from the rider of Pulsor bearing registration No.TN 03 W 2887 had been received and FIR in Crime No.26 of 2021 for the offence under Section 279, 337 IPC and 177 MV Act had been registered. Since no action has been taken on the complaint of the petitioner, the present petition has been filed.

3.The learned Government Advocate (crl.side) appearing for the respondents produced the case diary and submitted that the complaint was lodged by One Karthick, the rider of the PULSAR vehicle bearing No. TN 03 W 2887 and based on his complaint, the case has been registered on 11.07.2021 at 14.00 hrs. Further, the vehicle of the said Karthick was produced before the Motor Vehicle Inspector on 26.07.2021. The witnesses present in the scene of occurrence and CCTV recordings available in the scene of occurrence were verified, which confirms the case of the complainant/Karthick. The petitioner, to wriggle out of the complaint, had lodged a complaint stating that as though it is the Karthick, who is the cause for the accident. He further submitted that the petitioner is not cooperating with the investigation and despite, they were called to produce the vehicle and the documents, viz., registration certificate, Insurance, Licence, they have not produced the same.

4. This Court considered the submissions and perused the materials available on records carefully.

5. Finding that already case has been registered for the same occurrence, no further order is necessary in this petition and hence, this petition is liable to be dismissed.

6. Accordingly, this Criminal Original petition is dismissed. However, this court directs the rider of the Vehicle bearing No.TN 03 X 5889, i.e. the petitioner's Son, Vijay and her sister's son, Dineshkumar, to appear before the respondent police and to produce necessary documents, to



facilitate the respondent police to complete the investigation.

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Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

mrp/mpl

To

1. The Commissioner of Police,
Vepery,
Chennai.
2. The Assistant Commissioner of Police,
Traffic Investigation Wing,
Chinthathiripet,
Chennai.
3. The Inspector of Police
N-2, Police Station (Traffic Wing),
Kaasimedu
Chennai.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.18249 of 2021

RLD[co]
NSK 28/10/2021