



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.6334 of 2021

WEB COPY

P.Natarajan

... Petitioner

Vs.

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

2. The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District.
(Crime No.58/2021)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the 1st Respondent to transfer the investigation in Crime No.58 of 2021, dated 09.02.2021 on the file of the 2nd Respondent Police, to some other impartial Investigating Agency.

For Petitioner : Mr.A.Sankararamasubramanian
For R1 & R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

ORDER

This petition is filed to transfer the investigation in Crime No.58 of 2021, dated 09.02.2021 on the file of the 2nd Respondent Police, to some other impartial Investigating Agency.

2. The case of the petitioner is that he is the owner of Load Auto bearing Registration No.TN-69-BF-1249. On 09.02.2021, he and other persons were travelling in the above said auto for the temple festival 'Theerthavari'. Thereafter, when they were returning to temple, at about 10.30 a.m, near Mathikettan Channel on Tiruchendure Road, the front tyre of the Load Auto bursted out, as a result of which, the auto driver lost his control and it capsized. At that time, a lorry, bearing Registration No.TN-28-AJ-2001, came from the North to South direction and dashed against the capsized vehicle. As a result of which, the petitioner and the other persons were thrown away from the Load Auto and sustained injuries. They were admitted in the Government Hospital, Thoothukudi, and he gave a statement before the Police Officer. But, later, he came to know that a case has been registered for the offences punishable under Sections 279 and 337 of IPC against one Petchimuthu. Actually, the accident took place in a rash and negligent driving, on the part of the lorry driver, Vijayan. So, the statement given by him has not



been properly recorded by the Investigating Officer. Only on that ground, he seeks transfer of investigation.

3. The learned Additional Public Prosecutor would submit that based upon the complaint given by the petitioner, a case has been registered and investigation has been properly undertaken. The petitioner has suppressed the fact that the Load Auto bearing Registration No.TN-69-BF-1249 belongs to him and also would further submit that the permit of the Load Auto also expired. So, fearing that he cannot claim any accidental insurance coverage, only on that ground, he seeks transfer of investigation.

4. Considering the facts and circumstances of the case, transfer of investigation does not and will not arise. But, however, the grievance of the petitioner is redressed by recording this statement by the Investigation Officer. So, on that ground, above direction is issued.

5. Let the second respondent recorded the statement of the petitioner before completing the investigation. So, with this direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.6334 of 2021
20.07.2021

RC (30.07.2021) 2P-4C