



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 29.06.2021

Delivered on : 13.07.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.7123 of 2021

and

Crl.MP(MD)No.3806 of 2021

WEB COPY

A.Kohila

.. Petitioner

vs.

1.The Superintendent of Police
Dindigul District, Dindigul.

2.The Deputy Superintendent of Police,
Nilakottai, Dindigul District.

3.The Inspector of Police,
Pattiveeranpatti Police Station,
Nilakottai Taluk,
Dindigul District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to withdraw the investigation in Crime No. 148 of 2021 on the file of the third Respondent and entrust the investigation to any other competent police officer under the direct supervision of the second respondent.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking a direction to withdraw the investigation in Crime No.148 of 2021, on the file of the third respondent and to transfer the same to any other officer or agency under direct supervision of the second respondent herein.

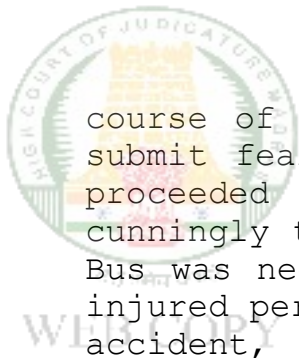
2.The case of the prosecution is that on 29.03.2021, at about 8.20 am., the defacto complainant along with employees, who were working as Gain Up Mill as a Tailor in Sevugampatti was travelling in a vehicle, bearing Registration No.TN-72-X-7162, a Maxi Cap Van, on Batlagundu - Dindigul road, when the van was nearing the place of occurrence, the driver of the Van, namely, Suresh, lost control of the vehicle as he was engaged in a verbal quarrel with a person sitting in the Van, drove the same in a rash and negligent manner and dashed against the Government Corporation Bus, bearing



Registration No.TN-57-N-1985, which was coming in the opposite direction, from North to South. As a result of which, the Van capsized and a number of persons got injured. The driver of the Van/Suresh died on the spot and apart from that one Kalidass, Latha, Suguna are also died on the spot itself. So, on the basis of the complaint given by the defacto complainant, who is the petitioner herein/ Kokila, a case was registered in Crime No.148 of 2021, on the file of the third respondent police and the investigating officer took up the investigation and collected materials and visited the place of occurrence and drew the sketch. Now, the charge sheet is going to be filed. As major portion of the investigation is over, at this stage, this petition came to be filed by the defacto complainant on the ground that the police officials, who visited the hospital where she was admitted, namely, Leonard Hospital, Batlagundu, the Sub Inspector of Police, belong to Pattiveeranpatti, got the signature and thumb impression, without informing her about the contention of the document. The accident took place only due to the rash and negligent on the part of the Corporation bus driver, bearing Registration No.TN-57- N-1985. So, according to her, the investigation is not proper and fair, which is going on, and on that ground, this petition is filed.

3.Heard both sides.

4.I am unable to understand the grievance of the complaint that has been made by the petitioner. The entire Case Dairy file had been produced for perusal. On perusal of the C.D. file, it shows that the date of occurrence is 29.03.2021, on the same day, she was admitted in the hospital and at that time, she was very much conscious and gave a statement to the effect that the accident took place only due to the rash and negligent on the part of the Van driver, namely, deceased/Suresh, in which, she was travelling as employee of the Mill. She also stated that as she sustained injury and experienced pain on right shoulder, she was not able to put into the signature and so, put her left hand thumb impression. It was also witnessed and signed by one Backiyalakshmi. That Backiyalakshmi has also given a statement to the effect that the statement as stated by the petitioner was recorded by the Sub Inspector of Police, Pattiveeranpatti and in that complaint, she also signed as a witness. Now, after a lapse of several days, it appears that she sent a representation to the Superintendent of Police, Dindigul, stating that her signature has been obtained in the blank paper and F.I.R has been registered by making false contents of the Sub Inspector of Police. So, as I mentioned earlier, I am totally unable to understand the grievance as stated earlier, her complaint has been witnessed and signed by one Backiyalakshmi and she has also given a statement to the effect that only the petitioner gave a statement, witnessed by her and that was recorded by the Sub Inspector of Police, Pattiveeranpatti. Then, how she came to know about the contents of the F.I.R within ten days, is not clear. But, during the



course of arguments, the learned Additional Public Prosecutor would submit fearing that they will not get compensation, if the case is proceeded on this line, the petitioner sent a representation cunningly to make out a case that only the driver of the Corporation Bus was negligent. There is no evidence on record to show that the injured persons and as well as the legal heirs of the deceased in the accident, have filed claim petition before the Motor Vehicle Accidents Tribunal. Even before filing the petition how she entertained this suspicion, is not explained by the petitioner. The learned counsel for the petitioner would repeatedly submit that the case was not registered on the basis of the statement, so, only on the ground, she seeks transfer of investigation.

5. So, from the facts and circumstances of the case and as pointed out by the learned Additional Public Prosecutor, it is seen that some hidden idea behind this petition and this is a clear case of abuse of process of law. So, I am not convinced that the case has not been proceeded by the investigating officer in a proper manner. There is no reason for the police officer to concoct a story, which was not at all told by the witness. So, I find no *bonafideness* in this petition and this Criminal Original Petition deserves to be dismissed and accordingly, the same is dismissed. But, however, there shall be a direction to the investigation officer to complete the investigation and file the final report within a period of two months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ls

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
Dindigul District,
Dindigul.

2. The Deputy Superintendent of Police,

<https://hcservices.ecourts.gov.in/hcservices/>



Nilakottai,
Dindigul District.

3.The Inspector of Police,
Pattiveeranpatti Police Station,
Nilakottai Taluk,
Dindigul District.

Copy to :

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) No. 7123 of 2021
13.07.2021

RK (27.07.2021) 4P 5C