



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.11017 of 2021

WEB COPY

Vijayalakshmi

... Petitioner/3<sup>rd</sup> Party

Vs.

1. The State of Tamilnadu,  
Rep by Superintendent of Police,  
Madurai District @ K.Pudur.

2. The Deputy Superintendent of Police,  
Thirumangalam Sub-Division,  
Madurai District.

3. The Inspector of Police,  
Kallikudi Police Station,  
Madurai District.

(Crime No.1518 of 2010)

... Respondents.

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the respondents 1 & 2 herein to withdraw and transfer the investigation in Crime No.1518 of 2020 on the file of the Inspector of Police, Kallikudi Police Station, Madurai to any other competent officer other than the third respondent to find out the real offender and file the Final Report within a stipulated period as fixed by this Court.

For Petitioner

: Mr.S.Rajendran

For Respondents

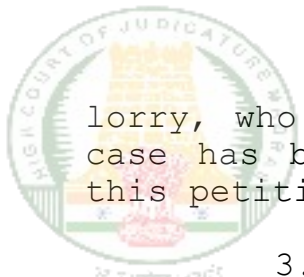
: Mr.R.M.Anbunithi,

Additional Public Prosecutor

**ORDER**

This petition is filed seeking a direction for transfer of investigation in Crime No.1518 of 2020, on the file of the third respondent herein to some other agency.

2.The case of the petitioner is that her husband namely, Nainar was working as a lorry driver and he drove the lorry bearing Registration No.TN 74 AV 4421 towards Madurai and when he was nearing Thirumangalam, at that time a stationed lorry bearing Registration No.TN 37 BV 8636 was parked in the middle of the road without any signal, and the petitioner's husband dashed behind the said stationed lorry. According to the petitioner, the accident had happened only due to the negligence of the driver of the stationed



lorry, who had parked the lorry in the middle of the road. But the case has been registered against the petitioner's husband. Hence, this petition.

3.The learned Additional Public Prosecutor would submit that based upon the complaint given by one Rajkumar, investigation was undertaken in Crime No.1518 of 2021, for the offences punishable under Sections 279 and 304 A IPC. During the course of investigation, it was found that the accident had happened only due to the rash and negligence of the petitioner's husband. Since he died, charge against him also abated. Referred Charge Sheet was also filed before the Judicial Magistrate, Thirumangalam. RCS Notice was served to the defacto complainant.

4.Recording the submission made by the learned Additional Public Prosecutor that charge against the petitioner's husband abated and referred Charge Sheet has also been filed before the Judicial Magistrate Court, Thirumangalam, nothing survives for further consideration in this petition. At this stage, question of transfer of investigation may not or will not arise.

5.With the above observation, this Criminal Original Petition is disposed of. If the petitioner is still aggrieved, she is at liberty to approach the concerned Court through appropriate proceedings.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,  
Madurai District @ K.Pudur.
2. The Deputy Superintendent of Police,  
Thirumangalam Sub-Division,  
Madurai District.

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



3. The Inspector of Police,  
Kallikudi Police Station,  
Madurai District.  
(Crime No.1518 of 2010)

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

**Crl.O.P. (MD) No.11017 of 2021**  
**10.08.2021**

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