



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P.(MD)No.14092 of 2021

Senthamil Selvi

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai, Madurai District.
2. The Deputy Superintendent of Police,
Melur, Madurai District.
3. The Inspector of Police,
Melur police station,
Melur, Madurai District.
4. The Inspector of Police,
CBCID, No.7, Kamarajar 2nd Street,
Chinnachokikulam, Madurai.
5. The Inspector of Police,
Cyber Crime, South Kovil Street,
Near Meenakshiamman Kovil,
Madurai.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to withdraw the case in Crime No.450 of 2021 pending on the file of the third respondent herein and transfer to the fourth respondent and investigate the case in accordance with law.

For Petitioner : Mr.A.Shajahan
For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2. The petitioner is the defacto complainant in Crime No.450 of 2021 registered on the file of Melur police station for the offences under Sections 279, 337 and 304(A) of I.P.C.



3. The petitioner along with the other family members was travelling from Trichy to Madurai. When they were coming in a Maruti Omni van at around 8.30 p.m. on 11.07.2021, a vehicle coming from behind hit the Omni van leading to its capsize. The petitioner's father suffered injuries and later died. The petitioner lodged information with the third respondent for taking action against the vehicle which came from behind. The specific contention of the petitioner's counsel is that for extraneous reasons, respondents 2 and 3 are not evincing interest in nailing the accused. According to the petitioner, their Omni van was hit by the vehicle bearing registration No.TN 31-BB-8715 Ashok Leyland DOST van. In support of his contention that it was the said van that had most probably caused the accident, quite a few materials have been placed in the typed set of papers. The petitioner has also given a detailed representation dated 28.08.2021. Since the said representation has not elicited any response, the present criminal original petition for transfer of investigation came to be filed.

4. The learned Additional Public Prosecutor submitted that the investigation is proceeding on the right lines. Since the contentions of the petitioner's counsel appear to have some weight as they are backed by some materials, the first respondent is directed to carefully go through the petitioner's representation dated 28.08.2021. If the first respondent is satisfied that case has been made out by the petitioner, the first respondent shall withdraw the investigation from the third respondent and entrust it to some other investigation officer. The first respondent shall take a call in this regard within a period of two weeks from the date of receipt of a copy of this order.

5. This criminal original petition is disposed of.

Sd/-

Assistant Registrar (A.E.)

// True Copy //

21/12/2021

Sub Assistant Registrar (CS II)

PMU

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,
Madurai District.
2. The Deputy Superintendent of Police,
Melur, Madurai District.
3. The Inspector of Police,
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Melur,
Madurai District.
4. The Inspector of Police,
CBCID,
No.7, Kamarajar 2nd Street,
Chinnachokikulam,
Madurai.
5. The Inspector of Police,
Cyber Crime,
South Kovil Street,
Near Meenakshiamman Kovil,
Madurai.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC MR.A.SHAJAHAN, ADVOCATE SR 38989

USK

21/12/2021

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Crl.O.P. (MD) No.14092 of 2021
15.12.2021