



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P. (MD) No.15176 of 2021

S.Broskhan

... Petitioner

Vs

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

2.The Inspector of Police,
R.S.Mangalam Police Station,
R.S.Mangalam,
Ramanthapuram District.

3.The Sub-Inspector of Police,
R.S.Mangalam Police Station,
R.S.Mangalam,
Ramanthapuram District.
(Crime No.127 of 2021)

... Respondents

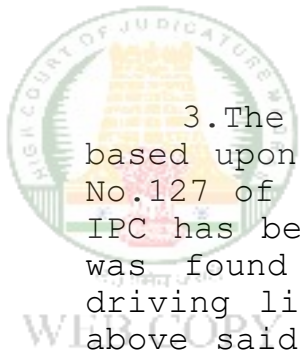
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to transfer the investigation in Crime No.127 of 2021 from the file of the third respondent to any other competent investigation authority, which is under the control of the first respondent for conducting an impartial investigation in this case.

For Petitioner	: Mr.N.Pragalathan
For R-1 to R-3	: Mr.RMS.Sethuraman Additional Public Prosecutor

O R D E R

This petition has been filed seeking transfer of investigation in Cr.No.127 of 2021, from the file of the second respondent to any other competent investigation authority.

2.The case of the petitioner is that on 04.05.2021 at about 6.00pm, when he was riding his two wheeler nearby Pulavar Appa Dharga, R.S.Mangalam, one Prabhakaran, who rode the two wheeler in a rash and negligent manner dashed against the petitioner, due to which, he sustained fracture injuries and he was admitted in the Hospital and took treatment for more than 20 days. But, however the case has been registered against this petitioner, on the basis of the complaint given by the above said Prabhakaran. Hence, he seeks transfer of investigation.



3.The learned Additional Public Prosecutor would submit that based upon the complaint given by one Prabhakaran, a case in Crime No.127 of 2021, for the offences punishable under Sections 279, 337 IPC has been registered and during the course of investigation, it was found that this petitioner is not having proper and valid driving licence and the vehicle was also not insured. Finding the above said fault, this petition came to be filed, seeking transfer of investigation.

4.It is seen that both the parties have made allegations against each other. More over, it is seen from the submission of the learned Additional Public Prosecutor that the petitioner is not having any proper and valid Driving license and his vehicle is also not insured. These are all the aspects that have to be decided at the time of trial proceedings and these aspects cannot be gone into in this petition. The petitioner is at liberty to work out his remedy through appropriate proceedings. Question of transfer of investigation at this stage may not arise.

5.With the above observation and liberty, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

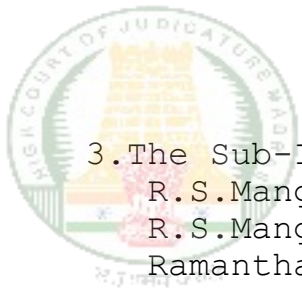
Sub Assistant Registrar(CS)

vrn

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,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
R.S.Mangalam Police Station,
R.S.Mangalam,
Ramanthapuram District.



3.The Sub-Inspector of Police,
R.S.Mangalam Police Station,
R.S.Mangalam,
Ramanthapuram District.

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

CrI.O.P. (MD) No.15176 of 2021
06.10.2021

NSN (CO)

RS (27.10.2021) 3P 5C