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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.2637 of 2021

Salamma Jegan

... Petitioner

Vs.

State of Tamil Nadu,
Represented by the Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation relating to FIR No:54 of 2020 on the file of the Inspector of Police, Denkanikottai, Krishnagiri and any other competent authority with respect to the accident that took place on Denkanikottai - Kalamanglam Road and met with an accident on the Road near Jodu Eri (lake) at Kalagopachandram Village on 13.03.2020 at 9.10 AM involving the Hyundai Sonata Embra car bearing Reg No: TN-07-AM-0555 driven by the petitioner's son J.Jio and the School bus belonging to Blue Mountain School, Pennangur in Krishnagiri District bearing Reg No: TN-19-A-3375.

For Petitioner :Mr.K.S.Kumar

For Respondent :Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the FIR in Crime No.54 of 2020, on the file of the respondent Police to any other competent authority.

2.The gist of the case is that the petitioner's son Jio was driving a car viz., Honda Sonata Embra bearing registration No.TN 07 AM 0555 along with his wife Sabitha. When the



petitioner's son overtaken the another car at the right side of the road, dashed on the Blue Mountain School Bus in a rash and negligent manner. Due to the accident, a Teachers Kalpana and Bhuvaneshwari sustained injuries, none of the students inside the bus got injured. The car of the petitioner's son completed damaged and the driver of the car (petitioner's son) got seriously injured, who was rescued by the passers-by and immediately, admitted in the Government Hospital, Denkanikottai. On receiving information from the Government Hospital, Denkanikottai, the respondent Police reached the hospital, received the complaint and registered an FIR in Crime No.54 of 2020, for offences under Sections 279 and 337 IPC.

3.The learned counsel for the petitioner submitted that the accident took place on 13.03.2020 is not in dispute. Due to the accident, the petitioner's son sustained grievous injuries and now, he is in a vegetative condition. In the FIR in Crime No.54 of 2020, the petitioner's son name not mentioned, whereas it has been mentioned as 'காரின் ஓட்டுநர்'. Due to which, the petitioner is unable to avail any medical reimbursement. Immediately after the accident, the petitioner's son was taken to the Government Hospital, Denkanikottai, where he was provided first aid and advised to take treatment at some other hospital. Thereafter, the petitioner's son was shifted to Gunam Super Speciality Hospital at Hosur and later, he was shifted to Apollo Hospital at Bengaluru, where he was in ICU for several days and later, he was shifted to Prasanth Hospital, Chennai. From Prasanth Hospital, Chennai, the petitioner's son got discharged and admitted in the Government Medical College Hospital at Kottayam. From the date of the accident to till date, he has been continuously taking treatment and no improvement in his health condition. The petitioner sofar spent several lakhs for his son's treatment by getting loan from relatives and friends. Due to non mentioning of petitioner's son name in FIR, the petitioner is unable to make any claim from the appropriate forum. Hence, she had sent a representation to the respondent Police, but sofar no action has been taken.

4.In support of his contention, the learned counsel for the petitioner produced the Accident Register of the Government Hospital, Denkanikottai, Referral Slip of Government Hospital, Denkanikottai, Emergency Initial Assessment Sheet from Gunam Hospital, Hosur, Copy of FIR in Crime No.54 of 2020, Discharge summary from Apollo Hospital, Bengaluru, Discharge Summary from Prashanth Hospital, Chennai, Discharge Summary from Government Medical College Hospital, Kottayam Kerala, Discharge Summary from Indo American Hospital, Vaikkom Kerala, Requisition by the



petitioner for re-investigation. Thus, the petitioner's son has been taking continuous treatment after the accident. Due to health condition, the daughter-in-law of the petitioner is living with her parents. The petitioner is the only person, who is taking all steps to save her son. Hence, he prayed for transfer of investigation to some other investigating agency.

5.The learned Additional Public Prosecutor appearing for the respondent Police filed status report and confirmed about the accident which had taken place on 13.03.2020. The petitioner's son was driving the car bearing registration No.TN 07 AM 0555. When he attempted to overtake another car on the right side of the road, he dashed on the Blue Mountain School Bus in a rash and negligent manner. Due to the accident, the petitioner's son was seriously injured and immediately, he was taken to the Government Hospital, Denkanikottai and thereafter to various hospitals. The respondent Police received a complaint from one Kalpana, Teacher in Blue Mountain School, who was travelled in the bus and registered an FIR in Crime No.54 of 2020, for offence under Sections 279 and 337 IPC. At the time of occurrence, the petitioner's son name was not known, hence, it was recorded in the FIR as driver of the car. From the complaint, it is seen that the driver, who had driven the car sustained serious injuries and became unconscious and he was immediately taken to the hospital. The medical records confirmed that the petitioner's son is the person, who had driven the car. He further submitted that Kalpana and Bhuvaneshwari, who are the Teachers in the bus clearly stated that the driver of the car got injured and immediately, he was taken to the Government Hospital, Denkanikottai along with his wife. The driver of Blue Mountain School Bus confirmed about the petitioner's son and his wife got injured. During investigation, it is found that the school bus came from East to West direction on their right way, the car came from East side. Unfortunately, the car was over taking another car by over speeding and negligence manner and dashed the front portion of the bus. Due to which, the driver of the car seriously got injured and he became unconscious. The vehicles involved in the accident were produced before the Motor Vehicle Inspector. During investigation, the medical records of the injured persons and report of the Motor Vehicle Inspector and other documents were collected. Further, the alteration report is made ready, showing that the petitioner's son as accused. Now, the investigation is almost completed and soon, the charge sheet would be filed.

6.This Court considered the rival submissions and perused the materials available on record.



7.The grievance of the petitioner is that in the FIR and in the other documents, only the driver of the car has been mentioned and not the petitioner's son name. Due to which, the petitioner did not get any medical reimbursement. Due to the accident, the petitioner's sustained grievous injuries and he has been continuously taking treatment at various hospitals. The medical records have also confirmed the same.

8.Now, the learned Additional Public Prosecutor submitted that alteration report is made ready, arraying the petitioner's son as accused. He further submitted that the investigation is almost completed and charge sheet would be filed soon.

9.In view of the above, there is no necessity for transfer of investigation to any other Investigating agency. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.S.Kumar, Advocate SR.No.4159

Cr1.O.P.No.2637 of 2021

NRL(CO)
CB(24/02/2022)