



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.7728 OF 2022

V.Chitra
W/o.Vadivel

... Petitioner

.Vs.

1. The State represented by,
The Commissioner of Police,
Office of the Commissioner,
Salem City, Sankari Main Road,
Salem - 636 006.

2. The State represented by,
The Inspector of Police,
Kitchipalayam Police Station,
Salem City.
(Crime No.443 of 2018)

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of Cr.P.C., pleased to direct the first respondent to transfer the investigation in Crime No.443 of 2018, on the file of the Kitchipalayam Police Station, Salem City to any other investigating agency.

For Petitioner : Mr.J.Jayan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking the first respondent to transfer the investigation in Crime No.443 of 2018, on the file of the Kitchipalayam Police Station, Salem City to any other investigating agency.

2. The learned counsel for the petitioner would submit that



the petitioner's husband was hit by Toyoto Fortuner Car bearing registration No.TN-13 E 0023 on 17.08.2018. The second respondent has registered the case based on the complaint given by the owner of the four wheeler vehicle and there is no progress in the investigation and thereby, the present petition has been filed seeking to transfer the investigation.

3. The learned Additional Public Prosecutor for the respondents would submit that the case in Crime No.443 of 2018 was registered with regard to the death of the petitioner's husband. Originally, the case was registered for the offence punishable under Sections 279 and 337 of I.P.C. and since the petitioner's husband passed away, the case was altered to Sections 279 and 304(A) of I.P.C.

4. The learned Additional Public Prosecutor would further submit that during the investigation, it came to light that the petitioner's husband has driven his two wheeler on the wrong side on the express highway (National Highway) and caused the accident and thereby, the second respondent after completing the investigation has filed a final report dropping further action (FAD) on 31.10.2018. Hence, the present petition for transferring the case has become infructuous.

5. At this juncture, the learned counsel for the petitioner would further submit that the petitioner is a victim and the final report has not been served on the petitioner so far. The learned Additional Public Prosecutor would submit that the copy of the final report will be served on the petitioner today itself.

6. Recording the same, this Criminal Original Petition stands disposed by granting liberty to the petitioner to take appropriate proceedings in accordance with law.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Commissioner of Police,
Office of the Commissioner's Salem City,
Sankari Main Road,
Salem - 636 006.



2. The Inspector of Police,
Kitchipalayam Police Station,
Salem City.
(Crime No.443 of 2018)

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.J.Jayan, Advocate, S.R.No.23445

CRL.O.P.NO.7728 OF 2022

RK(CO)
PBS/26/04/2022