



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.1502 of 2022

WEB COPY

Bindhu

... Petitioner/wife of the deceased

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Kanniyakumari District.

2.The Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari District.
(In Crime No.162/2021)

3.The Sub-Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari District.

4.Sudharshan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Crime No.162 of 2021 from the file of the second respondent to the file of the first respondent or to any other competent authorities concerned for further investigation.

For Petitioner	: Mr.C.M.Arumugam
For R - 1	: Mr.B.Thanga Aravindh
	Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.162 of 2021 from the file of the second respondent to the file of the first respondent.

2.On the complaint lodged by the fourth respondent, the FIR was registered in Crime No.162 of 2021 as against the petitioner's husband for the offence under Sections 279 and 337 of I.P.C and altered into Sections 279 and 304(A) of I.P.C. Further, due to the said accident, the petitioner's husband died and as such, the entire charge is abated and further action dropped. However, the case of the petitioner is that only due to the rash and negligent driving of the fourth respondent by his car, the accident has been taken place and as such, the petitioner as well as her relatives lodged complaints as early as on 16.04.2021 and 19.04.2021.

3.Since the investigation completed and dropped further action in Crime No.162 of 2021, the prayer sought for in the petition has



become infructuous. However, the petitioner's complaints, dated 16.04.2021 and 19.04.2021 are not enquired and it is pending.

4.Considering the above, the second respondent is directed to conduct investigation on the complaint lodged by the petitioner, after issuing notice to the petitioner and the fourth respondent and dispose of the same within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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,
O/o.Superintendent of Police,
Kanniyakumari District.
- 2.The Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari District.
- 3.The Sub-Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-6158[F] dated 15/02/2022)

Crl.O.P(MD)No.1502 of 2022
14.02.2022