



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2022

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR
Crl.O.P. (MD)No.9011 of 2019

J.R.K.Mahalakshmi

... Petitioner

VS.

1.The Deputy Inspector General of Police,
Tirunelveli Zone,
Tirunelveli.

2.The Superintendent of Police,
Tutucorin District,
Tutucorin.

3.The Inspector of Police,
Thiruchendur Police Station,
Tutucorin District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to transfer the investigation of the First Information Report No.37 of 2019 on the file of the third respondent to some other independent or specialized agency like CBI or CBCID of Thoothukudi District.

For Petitioner : Mr.A.Joseph Jerry

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to transfer the investigation in FIR No.37 of 2019 pending on the file of the third respondent to some other independent or specialised agency, like, CBI or CBCID of Thoothukudi District.

2.When the matter was taken up for hearing on 20.12.2021, this Court, on considering the submission made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor,

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has directed the petitioner to appear before the third respondent police/Investigation Officer and the third respondent was directed to get information and proceed with the investigation. Subsequently, at request of the learned counsel for the petitioner, this Court has directed the petitioner to appear before the third respondent on 28.01.2022 at 11.00 a.m., and also the third respondent was directed to proceed with the investigation, as directed by this Court, vide order, dated 20.12.2021.

3.When the matter is taken up for hearing today (02.02.2022), the learned counsel for the petitioner would submit that the petitioner is not ready and willing to appear before the third respondent and that they will be directed to proceed with the investigation and file a report.

4.The third respondent has filed a status report stating that it was a hit and run accident and eye-witnesses could not be able to identify the vehicle so far and that they have taken sincere steps to locate the accused vehicle and the case is under investigation.

5.Considering the above, this Court is of the view that there is no need to change the investigation at this point of time and the third respondent is to be directed to proceed with the investigation and file a final report within a time frame fixed by this Court. Hence, the third respondent is directed to proceed with the investigation and file a final report within a period of two months from the date of receipt of copy of this order. A copy of the final report be served on the petitioner and the petitioner is at liberty to take appropriate proceedings.

6.With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

csm

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 Deputy Inspector General of Police,
Tirunelveli Zone,
Tirunelveli.

2.The Superintendent of Police,
Tutucorin District,
Tutucorin.

3.The Inspector of Police,
Thiruchendur Police Station,
Tutucorin District.

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

+1 CC to M/s.A.JOSEPHJERRY, Advocate (SR-4142[F] dated 04/02/2022)

Crl.O.P. (MD)No.9011 of 2019

02.02.2022

IMS (CO)

TR(15.02.2022) 3P 6C