



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04/01/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.11148 of 2020

Velmurugan : Petitioner/De-facto Complainant

Vs.

- 1.The Director General of Police,
Radhakrishnan Salai,
Chennai.
- 2.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.122 of 2018)
- 4.The Deputy Superintendent of Police,
CBCID, Ramanathapuram,
Ramanathapuram District. : Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, directing to withdrawal of the case in Crime No. 122 of 2018 pending on the file of the 3rd respondent and entrust the same to the 4th respondent for investigation of the case by a competent officer and file a final report before the jurisdictional Magistrate within a time.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.S.Manikandan
Government Advocate (Crl. Side)

O R D E R

This petition has been filed by the petitioner seeking for a direction to withdraw the case in Crime No.122 of 2018 pending on the file of the 3rd respondent and entrust the same to the 4th respondent for investigation of the case, by a competent officer and



file a final report before the jurisdictional Magistrate within a time frame.

2.The petitioner is the de-facto complainant in Crime No.122 of 2018, which was registered for the offences under sections 279 and 337 IPC. The complainant lodged a complaint on 04/06/2018 alleging that on 27/05/2018, when his father and mother were travelling in a two wheeler bearing registration No.TN-65-AF-4978, nearing the place of occurrence, they were hit by a four wheeler (Duster Car) bearing registration No.TS-08-FA-2860 at about 2.00 pm. Both of them sustained injuries. So, based upon the above said complaint given by this petitioner, the case in Crime No.122 of 2018 has been registered for the above said offences, on 04/06/2018.

3.According to the petitioner, his parents sustained grievous injuries and they were taken to Thiruvadanai Government Hospital and thereafter to P.K.M Hospital, Karaikudi and at that time, the Deputy Superintendent of Police, Karaikudi came to the hospital and directed the petitioner and his relatives to release the Car, which caused the accident stating that he is facing pressure from the higher officials, since the Car is belonging to Telungana State and he has also given Rs.8,000/- to the petitioner for first aid and that was not received by the petitioner. On 27.05.2018, the petitioner went to the 3rd respondent police to give a complaint, but they refused to receive the complaint. Thereafter, once again the petitioner met the Deputy Superintendent of Police, Karaikudi and after much effort only, the FIR was registered on 04/06/2018. At the instance of the Deputy Superintendent of Police, the investigation has not been properly undertaken. The petitioner incurred Rs.3,50,000/- towards treatment. Since because the investigation has not been properly undertaken, the parents of the petitioner are not in a position to file a petition for compensation and on behalf of his parents, the petitioner filed a petition before the Motor Accidents Claims Tribunal, seeking compensation. On that score, this petition is filed.

4.Heard both sides.

5.Reading of the FIR shows that on the date of the alleged occurrence, the two-wheeler which hit by the four wheeler has been specifically mentioned. In spite of three years, it appears that the investigation, according to the petitioner, has not been undertaken at the instance of the Deputy Superintendent of Police, Karaikudi, whose name mentioned in the petition and in the representation. So the whole allegations revolve around the Deputy Superintendent of Police, who was working at that time in Karaikudi. A representation has sent by the petitioner on 22/09/2020 to the Deputy Superintendent of Police, Karaikudi as well as to the Superintendent of Police, Sivagangai. Now the grievance of the petitioner is that even though, there is a specific allegation in the complaint, it was not considered.



6.The entire CD file has been called for and perused.

7.After filing of this petition, it appears that the Inspector of Police attached to Taluk Police Station, Devakottai has made a representation to the Superintendent of Police, Sivagangai, seeking permission to re-open the investigation, which is dated 07/11/2020. This petition was filed before this court on 07/10/2020. Whether any order has been passed by the 2nd respondent herein is not clear on record. The wound certificate of the injured persons have been collected, during the course of investigation, which shows that both of them sustained grievous injuries. Rough sketch and parvai mahazar have also been prepared. But none of the Investigating Officer has been examined. During the course of investigation, all the injured persons clearly stated the registration of the vehicle, which hit the two wheeler. One eye witness has also been examined. He has also stated the vehicle number. So in spite of that, the case has been closed as 'undetected'. So after filing this petition, as mentioned above, a request has been made by the Inspector of Police, attached to Devakottai Taluk Police Station to the Superintendent of Police, Sivagangai, for re-opening the case. It is also seen that after 2018, absolutely there was no progress in the investigation. In fact, the vehicle search report has also been obtained, wherein we find that Vallabhai Ramisetty R.Rama Kondaiah name has been mentioned. When such document has been collected, how the Investigating Officer has given a report that they could not detect the vehicle is not understandable.

8.Whatever it may be, now the mistake has been corrected by making a request to the Superintendent of Police, Sivagangai, for re-opening the complaint. The way, in which the investigation has been undertaken by the concerned Investigating Officer is not satisfactory.

9.In view of the above facts, this criminal original petition stands **allowed**. A direction is issued to the Deputy Superintendent of Police, attached to Devakottai Taluk, to take up the investigation and re-investigate the matter in entirety under the direct supervision of the 2nd respondent herein. The investigation shall be completed within a period of three months from the date of receipt of a copy of this order. The final report must be presented before the concerned court, after completing the investigation. The compliance report must be submitted to this Registry.

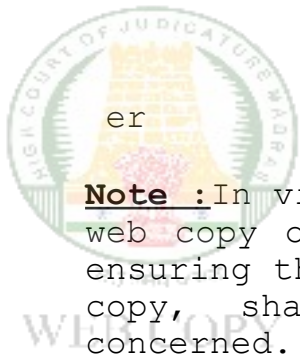
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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 Director General of Police,
Radhakrishnan Salai,
Chennai.
- 2.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Deputy Superintendent of Police,
Devakottai Taluk, Sivagangai District.
- 4.The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
- 5.The Deputy Superintendent of Police,
CBCID, Ramanathapuram,
Ramanathapuram District.
- 6.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Court Manager,
Madurai Bench of Madras High Court, Madurai.

Cr1.OP (MD) No.11148 of 2020
04/01/2022

RD(07.03.2022) 4P 8C