



Crl.O.P.(MD) No.17219of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17219 of 2022

Thangarajamani

...Petitioner

-VS-

1. The Inspector General of Police (L&O)
O/o. Inspector General of Police (L&O)
Chennai -4.

2. The Inspector General of Police
SIDCO Electronics Complex
Block No.3, 1st Floor
Guindy Industrial Estate,
Chennai-32

3. The Superintendent of Police
Nagercoil, Kanyakumari District

4. The Inspector of Police
Ethamozhi Police Station
Ethamozhi
Kanyakumari District

...Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first Respondent to withdraw the case in Crime No.38 of 2022 dated 20.02.2022 on the file of the fourth Respondent and entrust the same to the investigation of the second Respondent and further file a final report before the jurisdictional Magistrate.

For Petitioner : Mr.V.Rajiv Rufus
For Respondents : Mr. R.Sivakumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the first Respondent to withdraw the case in Crime No.38 of 2022 dated 20.02.2022 on the file of the fourth Respondent and entrust the same to the investigation of the second Respondent and further file a final report before the jurisdictional Magistrate.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner's son died in an accident. As per enquiry report it is head on collusion between two bikes from the opposite direction. Despite the availability of CCTV footage in the place of occurrence the fourth



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Respondent had not seized any CCTV footage to proceed with the investigation. It is further suspicion that there is no possibility for head on collusion between two bikes. Also he had given representation to the Respondent 1 to 3 to transfer the investigation. Further the Petitioner had stated that the mother of other deceased person Rositta also gave similar representation to the Respondents, no effective steps has been taken till date. Hence the present petition has been filed for transfer of investigation .

3. The learned Government Advocate(Crl.Side) by way of reply submitted that investigation has proceeded fairly and they are waiting for viscera report. Regarding the viscera of Deva Arasu from the report it is found that Deva Arasu had consumed alcohol and alcohol was detected in the viscera Report. He would further submit that the fourth Respondent had already examined 15 witnesses.

4. Recording the submission made by the learned Government Advocate(Crl.Side) the Superintendent of Police, Kanyakumari District is directed to supervise the investigation done by the fourth Respondent and if



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he is not satisfied with the investigation conducted by the fourth Respondent, he shall withdraw the investigation and the case diary from the file of the fourth Respondent and hand over the same to any new officer who is found to be competent and fair in the assessment of the Superintendent of Police, Kanniyakumari to conduct investigation of this nature and the same shall be supervised by him so that the investigation is free and fair and to file final report within a reasonable period as early as possible.

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

09.11.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Inspector General of Police (L&O)
O/o. Inspector General of Police (L&O)
Chennai -4.

2. The Inspector General of Police

4/6



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SIDCO Electronics Complex
Block No.3, 1st Floor
Guindy Industrial Estate,
Chennai-32

3. The Superintendent of Police
Nagercoil, Kanyakumari District
4. The Inspector of Police
Ethamozhi Police Station
Ethamozhi
Kanyakumari District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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