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Crl.O.P.(MD) No.18998 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.18998 of 2022

Kanagavalli

...Petitioner

vs

1.The Superintendant of Police,
Pudukottai District, Pudukottai.

2.The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
(in Cr.No.95 of 2022)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first Respondent to transfer the investigation from the file of the second Respondent in Cr.No.95 of 2022, dated 26.04.2022 on the file of the second Respondent earlier to any other agency or any other competent officer under the supervision of the first Respondent.

For Petitioner
For Respondents

:Mr.E.Baalasubramanian
:Mr.R.Sivakumar
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed to direct the first Respondent to transfer the investigation from the file of the second Respondent in Cr.No.95 of 2022, dated 26.04.2022 to any other agency or any other competent officer under the supervision of the first Respondent.

2.Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side) appearing for the Respondents.

3.The learned Counsel for the Petitioner submitted that the Petitioner along with her husband was proceeded on a two-wheeler. A two wheeler coming from the opposite side collided with the two wheeler driven by the Petitioner's husband, in which, the Petitioner's husband fell down and suffered injuries. The same was reported to the second Respondent, who had registered a case in FIR in Cr.No. 95/2022, dated 26.04.2022 for the offence punishable under Sections 279 and 337 of IPC. It is the contention of the learned Counsel for the Petitioner that from the date of the accident, the Petitioner's husband is in unconscious lying in coma stage. While so, the Investigation Officer in this case had changed the vehicle of the accused.



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Therefore, he seeks to transfer the investigation to a different agency or to a different official, instead of the present Inspector of Police, Thirumayam Police Station.

4.The learned Government Advocate (Crl.side) submitted that investigation had been completed and final report laid before the Court of learned Judicial Magistrate, Thirumayam,

5.In the light of the submission made by the learned Government Advocate (Crl.side), since investigation had been completed, the Petitioner, who was present in the spot at the time of accident, who had lodged complainant, is the fit person to speak about the same. Therefore, she can approach the learned Judicial Magistrate before taking cognizance. The Petitioner is within her rights to approach this Court after exhausting the remedy available before the learned Judicial Magistrate, Thirumayam.

With the above, this Criminal Original Petition is closed.

08.11.2022

Index:Yes/No
cmr

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To

- 1.The Judicial Magistrate, Thirumayam.
- 2.The Superintendant of Police,
Pudukottai District, Pudukottai.
- 3.The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.



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SATHI KUMAR SUKUMARA KURUP, J.

cmr

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