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Crl.O.P.No.1120 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1120 of 2023

D.Poongavanam

...Petitioner

Vs.

1. The Superintendent of Police,
Villuppuram District,
Villuppuram.
2. The Superintendent of Police (CBCID),
Villuppuram District,
Villuppuram.
3. The Inspector of Police,
Anandapuram Police Station,
Villuppuram District.
4. S.Boominathan
SSI of Police,
Anandapuram Police Station,
Villuppuram District.

5. S.Maheshkumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the Crime No.63/2021 on the file of 3rd respondent police to the Superintendent of Police to CBCID, Villuppuram District.

For Petitioner : Mr.R.Govindasamy



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For Respondent : Mr.S.Santhosh
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to transfer the Crime No.63 of 2021 on the file of 3rd respondent police to the Superintendent of Police to CBCID, Villupuram District.

2. The learned counsel for the petitioner submitted that, the accident concerned in Crime No.63 of 2021 registered by Anandapuram Police Station for the offences under Sections 279 and 304(A) of IPC, had happened because of the rash and negligent driving of the tractor driver bearing Registration No.TN 32 J 3774. However, the respondent police registered a false case against the son of the petitioner namely Murugan, as if Murugan had ridden the two wheeler bearing Registration No.TN 09 AM0145 in a rash and negligent manner and under influence of alcohol, hit against the tractor. It is totally false allegation made by the tractor driver and on that basis, a complaint was registered. The owner of the tractor is an Advocate and his wife is working as Sub Inspector of Police in the same district. They influenced the respondent police to falsely register the First Information Report against the



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petitioner's son. Therefore, he filed this petition to transfer the investigation.

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3. In response, learned Government Advocate (Criminal side) submitted that, on the basis of the First Information Report, the investigation was conducted and the investigation revealed that the deceased was responsible for the accident by riding his two wheeler in a rash and negligent manner under the influence of alcohol and hitting against the tractor. In support of his submission, he also produced a copy of the postmortem certificate and viscera report, stating that, the deceased was under the influence of ethyl alcohol. Thus, on the basis of the investigation, First Information Report was closed as 'charge abated'.

4. In reply, learned counsel for the petitioner submitted that the tractor had run over the deceased. It shows that the tractor driver was primarily responsible for the accident.

5. Considered the rival submissions. Perused the records.

6. This Court is of the view that, now that investigation is completed



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and final report is filed, stating that charge against the son of the petitioner is abated, the prayer of transfer of investigation to the Superintendent of Police to CBCID, Villupuram District cannot be entertained.

7. Accordingly, this Criminal Original Petition is disposed of, giving liberty to the petitioner to challenge the final report in the manner known to law.

20.01.2023

Internet :Yes

Index :Yes/No

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To:

1. The Superintendent of Police,
Villuppuram District,
Villuppuram.

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2. The Superintendent of Police (CBCID),
Villuppuram District,
Villuppuram.
3. The Inspector of Police,
Anandapuram Police Station,
Villuppuram District.
4. S.Boominathan
SSI of Police,
Anandapuram Police Station,
Villuppuram District.
5. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN, J.

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