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Crl.O.P.No.23505 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23505 of 2023

1.N.Venkata Narayanan
2.N.Ramasubramanian

... Petitioners

Vs.

1.The State represented by its
Additional Commissioner of Police Traffic,
Vepery, Chennai.

2.The State rep.by its
Inspector of Police,
TIW, Adyar Police Station,
Chennai TIW East,
Chennai.
Crime No.203 of 2023

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to withdraw the FIR in Crime No.203/2023 from the 2nd respondent police and transfer the same to the 1st respondent and direct the 1st respondent to enquire into the complaint of the petitioners dated 18.07.2023 and 08.09.2023.

For Petitioners : Mr.M.R.Dhalapathy Vignesh Kumar

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



ORDER

The petitioners are sons of motor accident victim by name Nalini Narasimhan. On 20.06.2023 from ECR road while the mother of the petitioners driving a two wheeler, she was hit by a car driven by one Kamalasekar resulting in causing head injury and consequential death, after brief treatment in the hospital. The driver of the car has given a complaint to the police reporting the accident and fixing the negligence on the driver of the two wheeler. Accordingly FIR in Crime No.203 of 2023 dated 20.06.2023 was registered for the offence under Section 279 and 338 IPC against Nalini Narasimhan, the victim in the motor accident and later succumbed to the injury. The petitioners alleging that the cause of their mother's death was due to rash and negligent driving of the complainant Kamalasekar. In spite of collecting the video footage, the 2nd respondent has not made the defacto complainant as accused and has not proceeded with the investigation. Hence seek for transfer of investigation.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police Submitted that the footage is available with the 2nd respondent.



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3. When the video footage is available with the 2nd respondent, there is no reason to delay in altering the charge, complete the investigation and fix the real perpetrator of the crime. As alleged by the petitioners that the 2nd respondent has not proceeded with the investigation even after collecting vital evidence (video footage). Hence, it is necessary to transfer the investigation to some other police under the Superintendent of Police, 1st respondent. Accordingly, this Criminal Original Petition is allowed. The 1st respondent shall withdraw the CD file from the 2nd respondent and entrust it to some other competent Investigating Officer under his jurisdiction with instructions to complete the investigation and file a final report within a period of two months.

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Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1. The Additional Commissioner of Police Traffic,
Vepery, Chennai.



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2.The Inspector of Police,
TIW, Adyar Police Station,
Chennai TIW East, Chennai.

3.The Public Prosecutor,
High Court, Madras.

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