



Crl.O.P.No.29422 of 2022

In the High Court of Judicature at Madras

Dated : 04.7.2023

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.29422 of 2022

D.Sheela

...Petitioner

Vs

1.The Commissioner of Police,
Vepery, Chennai-7.

2.The Inspector of Police, J-3,
Guindy Traffic Investigation
Wing Police Station,
Guindy, Chennai-32.

3.The Inspector of Police,
CBCID, Chennai.

...Respondents

PETITION under Section 482 of the Criminal Procedure Code praying to direct the second respondent to transfer the investigation in Cr.No.332 of 2021 pending on the file of the second respondent to the third respondent and consequently direct the third respondent to investigate the case and to file a final report within the time stipulated by this Court.



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For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

This is a petition filed by the petitioner seeking to transfer the investigation in Cr.No.332 of 2021 pending on the file of the second respondent to any other investigating agency.

2. I have heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3. The petitioner's husband met with an accident on 01.8.2021 and he died subsequently. A case came to be registered by the second respondent in Cr.No.332 of 2021 for offences under Sections 279, 337 and 304A of the Indian Penal Code. The grievance of the petitioner is that the CCTV footage that is available in the place of occurrence clearly shows that a car dashed the vehicle driven by her husband and as a result, the accident had taken place, that in spite of it, the second respondent did not take any action and that therefore, there is no



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progress in the investigation. Aggrieved by that, the above petition has been filed before this Court.

4. The learned Government Advocate (Crl.Side), on instructions, submitted that further action was dropped in this case on 22.10.2021 and the referred charge sheet notice is yet to be served on the petitioner.

5. The learned counsel for the petitioner produced before this Court the additional typed set of papers, which contain the photographs and also the details regarding the offending vehicle, due to which, the accident had taken place.

6. In the considered view of this Court, the second respondent had filed a further action dropped report only on the ground that the two wheeler driven by the husband of the petitioner dashed on the centre median thereby he fell down resulting in grievous injuries. The second respondent did not take into consideration the materials that have now been placed before this Court by the petitioner.



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7. The materials that have been placed before this Court would show that an investigation is required on the CCTV footages and also on the person, who had driven the offending vehicle on the fateful day. If all these aspects are properly enquired into, the actual reason for the accident can be ascertained. If ultimately it is found that it is only due to the offending vehicle the accident had taken place resulting in the demise of the husband of the petitioner, an action will have to be initiated against the person, who drove the offending vehicle.

8. In the light of the above discussions, there shall be a direction to the Assistant Commissioner of Police, Traffic Investigation Wing, Guindy, Chennai to take up the investigation in this case. The second respondent shall transfer the entire case diary to the Assistant Commissioner of Police, Traffic Investigation Wing, Guindy, Chennai, who shall specifically take into account the materials that have been relied upon by the petitioner namely the CCTV footages and the photographs and also the details regarding the offending vehicle. Ultimately, an effective investigation has to be done to find out the truth and the Assistant Commissioner of Police, Traffic Investigation Wing, Guindy, Chennai shall complete the investigation within a period



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of four months and file a final report before the concerned jurisdictional Court.

9. The above criminal original petition is allowed in the above terms.

04.7.2023

To

- 1.The Commissioner of Police,
Vepery, Chennai-7.
- 2.The Inspector of Police, J-3,
Guindy Traffic Investigation
Wing Police Station,
Guindy, Chennai-32.
- 3.The Inspector of Police,
CBCID, Chennai.
- 4.The Assistant Commissioner
of Police, Traffic Investigation
Wing, Guindy, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

RS



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N.ANAND VENKATESH,J

RS

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