



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2023

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

CrI.O.P.(MD) No.4009 of 2021

Kannan

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sivagangai District,
Sivagangai.

3.The Sub Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai,
Sivagangai District.

4.Raman

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first and second respondents to transfer the investigation from the hands of the third respondent police in respect of Crime No.13 of 2021 to some other competent agency.

For Petitioner : Mr.PR.Boomee Rajan
For R-1 to R-3 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the first and second respondents to transfer the investigation from the hands of the third respondent police in respect of Crime No.13 of 2021 to some other competent agency.

2.The petitioner is the accused in Crime No.13 of 2021 on the file of the third respondent. The respondent police registered a case against him with the allegation that when the Auto bearing Reg.No.TN-63-J-2116 was parked in the left side of the road, the petitioner drove his two wheeler bearing Reg.No.TN-63-AD-1217 in a rash and negligent manner and dashed with the parked vehicle and sustained injuries.

3.According to the petitioner, the said Auto was parked in the middle of the road without any parking lamp and hence, the accident was happened only on the negligence of the Auto Driver. Without registering the case against the said Auto Driver, the respondent police registered the case against the petitioner, who sustained injuries in the said accident and hence, he prayed for transfer of investigation.



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4.Today, when the mater is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 to 3 submitted that the final report was filed before the learned Judicial Magistrate No.II, Sivagangai District, for the offences punishable under Sections 279 and 337 IPC in C.N.R.No.TNSV02014604/22 dated 21.12.2022.

5.Since the petitioner is arrayed as accused, the maintainability of the petition seeking prayer of the investigation does not require any consideration for the reason that investigation already completed and final report already filed before the jurisdictional Magistrate Court namely Judicial Magistrate No.II, Sivagangai, the petition was closed with the following directions:-

Since the petitioner sustained injuries as a result of the accident, this Court directed the learned jurisdictional MCOP Tribunal Judge to decide the Motor Accident Claim Petition of the petitioner on merits without influence of the above dismissal of the transfer of investigation petition.



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6. With the above observation, this Criminal Original Petition is closed.

05.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
BTR/dss

To

1. The District Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Deputy Superintendent of Police,
Sivagangai District,
Sivagangai.
3. The Sub Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

BTR/dss

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