



Crl.O.P.(MD)No. 13006 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No. 13006 of 2023

Ramesh

... Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Deputy Superintendent of Police,
CBCID,
Tirunelveli.

3.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Cr.No.225 of 2023 pending on the file of the third Respondent to the file of the second Respondent with a direction to investigation into the matter and file charge sheet in accordance with law.



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For Petitioner : Mr.R.Anand
for Mr.M.Maharaja

For Respondents : Mr.SS.Madhavan
Government Advocate (Criminal Side)

ORDER

This petition is filed seeking for a direction to proceed with the investigation to transfer the investigation in Crime No.225 of 2023 from the third respondent to the second respondent.

2. It is submitted by the learned counsel for the petitioner that in the early hours of 3rd May, 2023, the petitioner's father went to buy milk on his two wheeler. When he was passing under two tier fly over on Tirunelveli junction, a concrete block peeled off from the upper portion of the fly over and fell on the head of the petitioner's father, who received grievous head injury, thereby, he was shifted to the hospital in 108 ambulance Medico Legal case was registered and major operation was done, however ultimately the petitioner could not survive and passed away on 18.05.2023 after struggling for 15 days.

3. A complaint was given to the respondent police on the same day and third respondent police instead of registering First Information



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Report, has issued CSR No.127 of 2023 and could not proceed further. It is submitted by the learned counsel for the petitioner that the police have not examined the complainant and the person who has taken, the petitioner to the hospital and police have not visited the hospital to record the statement of the injured/ deceased. Hence, after the death of the injured on 18.05.2023, the police stated to have registered a case in Crime No.225 of 2023 under Section 304(A) of IPC and issued FIR. It is submitted further that there are laches on the part of the police in proceeding with the investigation right from the filing of complaint and thereby sought for transfer of investigation.

4. Learned Additional Public prosecutor on the other hand submitted that soon after filing of complaint on 03.05.2023, the police have registered the complaint as CSR No.127 of 2023. After registration of the FIR, 10 witnesses were examined and post mortem was conducted and report of the chemical laboratory in respect of the viscera, is still awaited.

5. It is also brought to the notice of the learned counsel for the petitioner that inspite of the fact that specifically mentioning the names



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of the accused responsible for the accident / incident, the police have not shown them as accused in the accused column of the FIR.

6. Considering the investigation done so far, this Court is of the opinion that there are laches in the investigation, which appears to have been conducted deliberately. Considering the circumstances, this Criminal Original Petition is allowed and the investigation is transferred to the second respondent. The third respondent is directed to entrust the entire investigation immediately to the second respondent who is directed to take complete investigation immediately and expedite the investigation by taking it to all the aspects concerned and file a final report as expeditious as possible.

7. Accordingly, this Criminal Original Petition stands allowed.

19.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Commissioner of Police, Tirunelveli City, Tirunelveli.
- 2.The Deputy Superintendent of Police, CBCID,Tirunelveli.
- 3.The Inspector of Police, Tirunelveli Junction Police Station,
Tirunelveli City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR. D.NAGARJUN, J.

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Order made in

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