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CrI.O.P.No.14575 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.14575 of 2024

P.Vijaya Kumar.

... Petitioner/Accused

-VS-

The Inspector of Police,
Kanjapur Police Station,
Villupuram District.
Crime No.214 of 2018.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.40/2019 on the file of the District Munsif-cum-Judicial Magistrate, Vikravandi, Villupuram District and set aside the same and consequently directing the respondent police to further investigation in complaint dated 08.03.2024 in accordance with law and to file a fresh final report.

Amended as per order dated 29.07.2024 in CrI.M.P.No.10761/2024 in CrI.O.P.No.14575 of 2024.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (CrI.Side)



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ORDER

On 19.07.2018 at about 3.30 a.m in the early morning on the Gingee to Villupuram Road near Pondi Kannima Nagar a Taras Lorry bearing Reg.No.TN-29-U-1479 and a Tata Indica DLX white colour Car bearing Reg.No.TN-02-W-0901 colluded wherein the driver of the car got injured and taken to the Mundiampakkam Government Hospital. The driver of the Taras Lorry reported the matter to the respondent police. Based on his information, F.I.R in Crime No.214 of 2018, dated 19.07.2018 was registered as against the driver of the Tata Indica DLX car. Name of the drivers of both the vehicles happen to be Vijaya Kumar. The 1st informant Vijaya Kumar S/o.Kannan and the accused Vijaya Kumar S/o.Perumal Udaiyar.

2. On completion of investigation, final report filed and same is taken on file in S.T.C.No.40/2019 on the file of District Munsif-cum-Judicial Magistrate, Vikravandi.

3. The present petition is filed by Vijaya Kumar S/o.Perumal Udaiyar, the driver of the Tata Indica DLX Car and who sustained injury in the accident, to set aside the final report and reinvestigate the matter alleging that



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the Investigating Officer has not properly investigated the matter and filed the final report without even recording the statement of the victim in the accident.

Further, the Learned Counsel for the petitioner submits that in this regard representation was given on 08.03.2024 to the Inspector of Police, Kanjanur Police Station, Villupuram District, by that time final report already filed.

4. The Learned Government Advocate (CrI.Side) appearing for the respondent has circulated the CD filed in which this Court finds that even in the F.I.R, the injury sustained by this petitioner and he been identified as Driver of the Tata Indica DLX Car is disclosed. The statement of other witnesses also discloses the fact that this petitioner is the Driver of the Tata Indica DLX car which colluded with the Taras Lorry and the petitioner sustained injury and taken to Mundiampakkam Government Hospital and thereafter, shifted to MIOT hospital, Chennai.

5. In the said circumstances, the injured person not been examined by the Investigating Officer being the driver of the offending vehicle but been shown as an accused. It is necessary to set aside the final report filed by the respondent police in Crime No.214 of 2018 and order reinvestigation.



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6. Accordingly, this *Criminal Original Petition is allowed.*

26.09.2024

Index : Yes/No.
Interest : Yes/No.
bsm

To:-

1. The District Munsif-cum-Judicial Magistrate, Vikravandi, Villupuram. District.
2. The The Inspector of Police, Kanjanur Police Station, Villupuram District.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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