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CrI.OP.No.22773 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.OP.No.22773 of 2024

Velmurugan

... Petitioner

Vs.

1.The State Rep. by
The Superintendent of Police,
Kallakurichi District.

2.The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District
[Cr.No.203 of 2024]

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. or [under Section 528 of BNSS] to direct the 2nd Respondent to direct the 1st respondent to transfer the investigation in Cr.No.203 of 2024 pending on the file of the 2nd respondent to any other investigating agency and to file FINAL REPORT within stipulated time.

For Petitioner : Mr.Krishnasamy Chinnasamy

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



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ORDER

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This Criminal Original Petition has been filed by the petitioner seeking direction directing the 1st respondent to transfer the investigation in Crime No.203 of 2024 pending on the file of the 2nd respondent to some other investigation agency.

2. The contention of the petitioner is that on 11.07.2024 at about 09.15 p.m. while he was riding his motorcycle bearing Registration No.TN 91 R 4264 towards Edachathur Village, a motorcycle bearing Registration No.TN 25 BJ 3552 came in a rash and negligent manner from the opposite direction and dashed against the petitioner's motorcycle due to which the petitioner sustained injury on his leg and other parts of the body. According to the petitioner, the rider of the motorcycle bearing Registration No. TN 25 BJ 3552, namely, Ganesan, was in an intoxicated condition at the time of the accident. Thereafter, an ambulance brought the petitioner and Ganesan to the Ulundurpet Government Hospital, where they received first aid. In the hospital, the petitioner informed the casualty doctor that Ganesan was in an intoxicated state and requested the doctor to confirm the same. In the meanwhile, due to some medical urgency, the petitioner was referred to



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Neuro Foundation Hospital, Salem for further treatment and thereafter he shifted to Kaveri Hospital.

3. In the meanwhile, the petitioner's father, Arunachalam had gone to the respondent police and lodged a complaint informing about the manner in which Ganesan had caused the accident. Since the petitioner's father is illiterate, he was sent away from the police station without recording any case. The petitioner is still in the hospital hence the respondent police are proceeding only with the case in Crime No.203 of 2024, lodged by the said Ganesan, who had caused the accident in an intoxicated condition. Hence for proper investigation, the petitioner has filed the above petition.

4. The learned Government Advocate (Crl.Side) submitted that no complaint of the petitioner has been received by the 2nd respondent. In the event the petitioner lodges a complaint, the same would be considered by the respondent police.

5. Considering the above submissions, the following directions are issued :-



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(i) The learned Government Advocate (CrI.Side) is directed to hand over a copy of the petition and typed set of paper filed by the petitioner to the respondent police who is present before this Court.

(ii) The respondent police are directed to conduct an enquiry and proceed with the complaint of the petitioner by questioning the petitioner (presently taking treatment at Kauvery Hospital, Trichy) and the doctors who examined the petitioner and the said Ganesan at the Ulundurpet Government Hospital on the date of the accident and if the petitioner's complaint found to be true appropriate action would be taken in this regard.

6. With the above directions, CrI.O.P.No.22773 of 2024 is disposed of.

18.09.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(shr)



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To
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- 1.The Superintendent of Police,
Kallakurichi District.
- 2.The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District



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M.NIRMAL KUMAR, J.,

(shr)

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