



Crl.O.P.(MD).No.1876 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.1876 of 2024

K.Jana

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District,
Subramaniapuram,
Trichy.

2.The Inspector of Police,
Manikandam Police Station,
Manikandam,
Trichy District.

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer the investigation from the second Respondent for conducting any other fair and impartial investigation in Crime No.104 of 2022, on the file of the second Respondent.

For Petitioner : Mr.D.Boopal

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

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The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking to transfer the investigation of the FIR in Crime No.104 of 2022, dated 08.07.2022, on the file of the second Respondent to the first Respondent. It is the contention of the learned Counsel for the Petitioner that the Petitioner is the de-facto Complainant. Based on the complaint of the Petitioner, the second Respondent registered FIR in Crime No.104 of 2022 dated 08.07.2022.

2. The learned Additional Public Prosecutor on instructions from the Respondents 1 and 2 would submit that the case related to hit and run, traffic accident. Originally, the case was registered in Crime No.104 of 2022 for the offences punishable under Section 279, 337 IPC. Subsequently after investigation, the case was altered to the offences punishable under Sections 279, 304(A) IPC. He would further submit that the negative final report laid before the learned Judicial Magistrate No.IV, Trichy District, as undetected in RCS No.10 of 2024 through E-filing No.LTN 20220002509C202400017 dated 06.02.2024



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3. Also the learned Additional Public Prosecutor submitted that in the Refer Charge Sheet, the de-facto Complainant had been served notice. However, the learned Counsel for the Petitioner/de-facto Complainant denied that the notice had not been served on him.

4. In the light of the submission made by the learned Additional Public Prosecutor, the Petitioner herein is directed to approach the learned Judicial Magistrate No.IV, Trichy and file appropriate petition, if he is so advised. On filing of such petition, the learned Judicial Magistrate No.IV, Trichy shall conduct enquiry and pass appropriate orders in the Refer Charge Sheet filed by the Respondent Police.

5. In view of the above, this Criminal Original Petition is closed.

07.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To

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Trichy District,
Subramaniapuram,
Trichy.
- 2.The Inspector of Police,
Manikandam Police Station,
Manikandam,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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