



Crl.O.P.(MD)No.8457 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.8457 of 2022

Rajammal

... Petitioner/Wife of the deceased

Vs.

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

2.The Deputy Superintendent of Police,
Srivilliputtur, Virudhunagar District.

3.The Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.

4.The Sub-Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.
Crime No.623 of 2021.

... Respondents 1 to 4/Respondents 1 to 4

5.Iyyappan

... 5th Respondent/Defacto complainant

PRAYER:- Petition filed under Section 482 of Cr.P.C., to transfer the investigation in the case in Crime No.623 of 2021 from the fourth respondent to the third respondent and in accordance with law.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.B.Nambiselvan

Additional Public Prosecutor for R1 to R4



Crl.O.P.(MD)No.8457 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed to transfer the investigation in the case in Crime No.623 of 2021 from the fourth respondent to the third respondent and in accordance with law.

2.The case of the petitioner is that the petitioner's husband, namely, Rajapandi worked as a Salesman in the TASMAC in Shop No.11953. They were blessed with one daughter and two sons. On 29.11.2021 at 21.30 hours, her husband had met with an accident, while driving the two wheeler, bearing Registration No.TN-84-F-5960. Immediately, the driver of the lorry bearing Registration No.TN-59-BQ-4628 has submitted a complaint before the fourth respondent police and the same was registered in Crime No.623 of 2021 for the offence under Sections 279 and 337 of IPC. However, the said incident was happened due to the rash and negligent driving of the lorry driver. Instead of filing a criminal case against the lorry driver, the fourth respondent simply registered a case in Crime No.623 of 2021 for the above said offences. Aggrieved by the same, the petitioner has filed the present petition.



Crl.O.P.(MD)No.8457 of 2022

3.The learned counsel for the petitioner would submit that this Court may issue a direction to transfer the investigation in Crime No.623 of 2021 from the fourth respondent to the third respondent.

4.The learned Additional Public Prosecutor would submit that already the fourth respondent police complete the investigation in Crime No.623 of 2021 and closed the complaint as 'action dropped' and the fourth respondent has filed a closure report before the learned Judicial Magistrate No.II, Srivilliputtur on 16.12.2022. Hence, nothing survives for further adjudication in this case.

5.In view of the above, the Criminal Original Petition is dismissed with liberty to the petitioner to workout her remedy in the manner known to law.

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji
To

06.02.2024

- 1.The Judicial Magistrate No.II, Srivilliputtur.
- 2.The Superintendent of Police,
Virudhunagar District, Virudhunagar.



WEB COPY



Crl.O.P.(MD)No.8457 of 2022

M.DHANDAPANI, J.

Sji

- 3.The Deputy Superintendent of Police,
Srivilliputtur, Virudhunagar District.
- 4.The Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.
- 5.The Sub-Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.8457 of 2022

06.02.2024