



Crl.O.P.(MD)No.14908 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.14908 of 2022

Aseer Waghin Barkher

... Petitioner/Defacto Complainant

Vs.

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
Crime No.128 of 2022.

... Respondents

PRAYER:- Petition filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.128 of 2022 from the file of the second respondent to any other competent unbiased officer to conduct the fair investigation.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.128 of 2022 from the file of the second respondent to any other competent unbiased officer to conduct the fair investigation.



Crl.O.P.(MD)No.14908 of 2022

2.The case of the petitioner on 23.04.2022, at about 04.50 p.m, when the petitioner proceeding towards Poovancode in North direction, in his two wheeler bearing Reg.No.TN-75-3767, a Tempo Van Came from opposite direction dashed against the petitioner and the petitioner sustained injured. Thereby, he made a complaint before the Law Enforcing Agency for identification of the Tempo Van. However, the same was not considered. Hence, the petitioner filed this petition with the above said prayer.

3.The learned counsel for the petitioner would submit that even though the registration number of the Tempo Van, which was dashed against the petitioner's two wheeler was given to the Law Enforcing Agency, the Law Enforcing Agency has not identified the Tempo Van and has not implicated the offender in the criminal case. Hence, this Court may issue a appropriate direction to the Law Enforcing Agency to identify the Tempo Van and implicate the offender in the criminal case.

4.The learned Government Advocate (Crl.Side) would submit that as per the complaint, the CCTV footage was verified. In which, the Tempo Van mentioned by the petitioner was not involved in the case. Hence, the case was referred as 'undetected' and undetected report was filed before the learned Judicial Magistrate, Ramnad, on 01.06.2023.



Crl.O.P.(MD)No.14908 of 2022

5. Recording the same, this Criminal Original Petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law.

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

12.02.2024

To

- 1.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.14908 of 2022

M.DHANDAPANI, J.

dss

Crl.O.P.(MD)No.14908 of 2022

12.02.2024