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CrI.O.P.No.18815 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.18815 of 2025

S.Priya

... Petitioner

Vs.

1. The Superintendent of Police
Mayiladuthurai District
Mayiladuthurai

2. The Inspector of Police
Mayiladuthurai Police Station
Mayiladuthurai District

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to transfer the investigation in Crime No.543 of 2024 pending on the file of the 2nd respondent police to some other investigating agency, preferably the District Crime Branch at Mayiladuthurai or The Inspector, CBCID/Crime Investigation Department or any other agency as this Court deems fit and proper to the fact and circumstances of the case.

For Petitioner

: M/s.M.Pavitra

For Respondents

: Mr.S.Vinoth Kumar

Government Advocate (CrI. Side)



CrI.O.P.No.18815 of 2025

ORDER

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This Criminal Original Petition has been filed by the petitioner to transfer the investigation in Crime No.543 of 2024 registered for accidental fall, pending on the file of the 2nd respondent police to some other investigating agency, preferably the District Crime Branch at Mayiladuthurai or The Inspector, CBCID/Crime Investigation Department or any other agency as this Court deems fit and proper to the fact and circumstances of the case.

2. The case of the petitioner is that she is the wife of the deceased Senthilkumar who passed away on 13.10.2024 due to a fatal head injury sustained in a road accident that occurred on 24.09.2024. On the said date, the petitioner's husband was travelling as a pillion rider in a two wheeler which was driven by his brother Kumaresan. At about 11.30 a.m., near Jennifer Bakery in Senthangudi on the main road, a stray cow suddenly crossed the road. In an attempt to avoid hitting the animal, the said Kumaresan applied the brakes, resulting the two wheeler losing balance and both fell down in which,



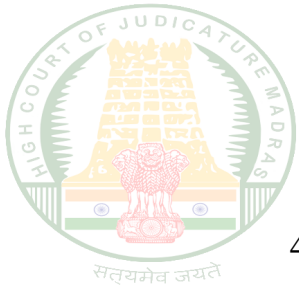
CrI.O.P.No.18815 of 2025

the petitioner's husband suffered serious head injury and he was given first aid.

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Since he had complained severe headache, he was admitted in the government hospital initially and later in private hospital and despite intensive care, he succumbed to the injuries. The contention of the petitioner is that, when her husband was alive, he had clearly explained the petitioner as to how the accident occurred, whereas, the said Kumaresan/brother of the deceased misrepresented the facts to the police and managed to get a false and misleading FIR registered as accidental fall in order to escape from liability, as if, the petitioner's husband who was sitting as a pillion rider, was drowsy and leaned on him while riding due to which, they both fell down. Since the investigation has not been conducted properly, the present petition is filed seeking transfer of investigation.

3. The learned Government Advocate (CrI. Side) appearing for the respondents submitted that the section of offence has been altered and the investigation was already over and that they are ready to file the charge sheet.



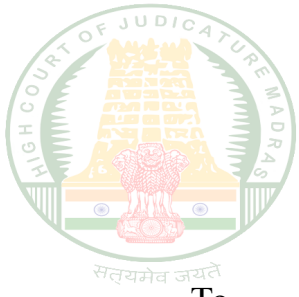
Cr.O.P.No.18815 of 2025

WEB COPY

4. Heard both sides and perused the materials available on record.
5. This Court is not satisfied with the grounds taken by the petitioner for transfer of investigation. Further, now the investigation has been completed and the section of offence has also been altered.
6. Therefore, this Criminal Original Petition is dismissed.
7. The respondent police is directed to file the charge sheet within a period of two weeks from the date of receipt of a copy of this order.
8. After the filing of charge sheet, if the petitioner is still aggrieved, she can work out her remedy in the manner known to law.

08.07.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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CrI.O.P.No.18815 of 2025

To
WEB COPY

1. The Superintendent of Police
Mayiladuthurai District
Mayiladuthurai
2. The Inspector of Police
Mayiladuthurai Police Station
Mayiladuthurai District
3. The Public Prosecutor
High Court of Madras, Chennai.



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CrI.O.P.No.18815 of 2025

P.VELMURUGAN,J.

Ksa-2

CrI.O.P.No.18815 of 2025

08.07.2025