

The complainant has filed this private complaint U/sec. 200 of Cr.P.C. alleging commission of offence punishable U/sec. 279 and 304(A) of IPC.

2. The complainant in his complaint avers that his son late Manjunath Baburay Kodarkar had purchased Yamaha RXG Motor Cycle bearing Reg. No. KA-30/H-7936 and he was having valid driving license and the said vehicle was being driven by late Manjunath Baburay Kodarkar by following traffic rules and regulations. It is further stated that on 01.03.2018 he had come to Karwar and on 02.03.2018 when he was to proceeding towards Karwar from Chittakula his vehicle was hit by driver of the four wheeler bearing Reg. No. KA-47/7372 and the said driver was driving his vehicle in a rash and negligent manner. It is further stated that due to the impact of the said four wheeler being driven by the accused, the complainant's

son expired and the said accident was seen by Sri. Devendra Shivanand Mhalsekar and Sri. Shivaraj Ashok Govekar and further stated that due to the said accident the son of the complainant has expired on 14.03.2018 at 7.15 A.M. It is further stated that the complainant after completing the entire rituals applied for the certified copy of the F.I.R. bearing No. 20/2018 dated: 02.04.2018 but in the said F.I.R. the son of the complainant is made as an accused in-spite of the facts that the accident took place due to the rash and negligent driving of the driver of the Car bearing Reg. No. KA-47/7372. It is further stated that immediately the complainant sought for registration of F.I.R. to Chittakula P.S.I. but P.S.I. Chittakula refused to do so and therefore the complainant requested to Superintendent of Police to ensure that proper investigation takes place but in-spite of the same on 25.05.2018 an endorsement was

issued by Chittakula Police officials stating that it is the son of the complainant who was negligent and therefore they had rejected to register the complaint filed by the complainant. It is further stated that the Chittakula Police officials have not conducted proper enquiry and they have not taken statement of the local witnesses by rejecting the complaint of the complainant and therefore he seeks for registration of complaint against the accused i.e., driver of the vehicle bearing reg. No. KA-47/7372.

3. It is relevant to note that during pendency of the proceedings the complainant has expired and his legal heir i.e his wife is brought on record by virtue of order dated: 14.10.2019.

4. Report from Chittakula police station is also called for and report is submitted that abated charge sheet is filed against the son of the complainant by the Chittakula police

which is registered as C.C. No. 274/2018 and due to the death of the son of the complainant the said criminal case was closed as abated on 29.05.2018.

5. It is relevant here to note that the complainant has approached police officials i.e., Chittakula police station which is clear on perusal of the endorsement dated: 25.05.2018 and on perusal of the said endorsement it is stated that the said complainant has approached Superintendent of Police, Karwar and sought for investigation in the matter and an endorsement is issued stating that it is the complainant's son who has driven the two wheeler in a rash and negligent manner, accordingly the application of the complainant was closed. Therefore, on perusal of the said endorsement it is clear that the complainant has exhausted Sec. 156(1) as well as Sec. 156(2) and thereafter he has approached the Court seeking for appropriate

remedy. Further it is relevant here to note that though endorsement is issued nothing is forthcoming with respect to the investigation conducted in the matter and therefore in the facts and circumstances of the case, I am of the opinion that it is just and necessary to pass order directing the jurisdictional police to investigate in the matter and submit report. Therefore, I proceed to pass following

-: O R D E R :-

Acting U/sec. 156(3) of Cr.P.C. P.S.I. Chittakula police station is hereby directed to investigate in the matter and submit his report returnable by 26.03.2021.

Prl. JMFC, Karwar