

Crl.R.C.(MD)No.438 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.04.2025

Pronounced on : 13.06.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.438 of 2025

T.Athinarayanan

... Petitioner/
de-facto
complainant/
de-facto
complainant

Vs.

1.The State of Tamil Nadu rep by
The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The State of Tamil Nadu rep by
The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi.
(Crime No.196 of 2021)

...Respondents/
Complainant/
Complainant

Prayer : This Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records and to set aside the order passed in



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Crl.M.P.No.5523 of 2024, on the file of the Judicial Magistrate No.I,
Thoothukudi dated 03.01.2025.

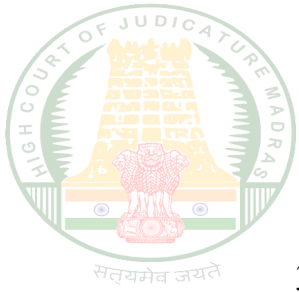
For Petitioner : Mr.C.Prithviraj

For Respondents : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.5523 of 2024 dated 03.01.2025 on the file of the Court of the Judicial Magistrate No.1, Thoothukudi, accepting the final report and thereby closing the FIR in the case in Crime No.196 of 2021 on the file of the second respondent police.

2. The petitioner lodged a complaint alleging that his father, a motor mechanic, and his mother, working under the 100-day scheme, reported the following incident: On September 23, 2021, around 05:55 p.m., the petitioner's father went to irrigate their land near a stone quarry. After work, he typically bathed at the nearby lake. When he did not return by 07:30 p.m., the petitioner and his mother searched for him. They found his sandals and clothes near the lake around 09:00 p.m. and learned that he likely drowned.



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3. On the basis of the complaint lodged by the petitioner, FIR came to be registered in Crime No.196 of 2021 on 24.09.2021 under Section 174 Cr.P.C. (drowning). The second respondent police, after completing the investigation, by holding that the petitioner's father Thangavel got a skid and died due to drowning, filed a final report dated 18.11.2021 as 'further action dropped'. The learned Judicial Magistrate, after receipt of the final report, sent a notice to the petitioner calling for his objections to the negative report filed by the second respondent police. The petitioner, in pursuance of the notice issued, has entered into appearance and filed a protest petition. The petitioner, in the protest petition, has stated that investigation was completed even before the receipt of the postmortem report, that since postmortem report does not say that there was water in the lungs, the second respondent police has come to an erroneous decision that the petitioner's father died due to drowning, that the Investigating Officer conducted inquest and examined one witness Puthiyavel-relative of the deceased at 13.00 hours, whereas, the said Puthiyavel was in Chennai on 24.09.2021 and only after getting information about the death of the petitioner's father, he started by 13.55 hours through flight and reached Thoothukudi airport by 15.35 hours, that the Investigating Officer



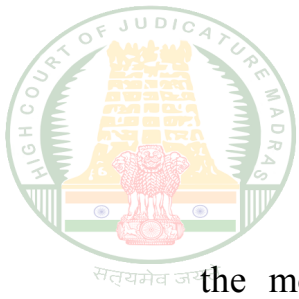
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has not conducted the investigation properly and 'further action dropped' report came to be filed mechanically and that therefore, the case has to be investigated again.

4. The main contention of the petitioner is that even before the receipt of the postmortem report, investigation came to be completed and final report was filed. But it is evident from the records that postmortem report is dated 25.09.2021 and the final report is dated 18.11.2021. More importantly, in the postmortem report, it was opined that the deceased would appear to have died of asphyxia due to drown. As rightly pointed out by the learned Government Advocate (Criminal Side), in the postmortem report, it has been specifically observed that there are nil marks of external, internal and genital injuries noted anywhere on the body.

5. No doubt, as rightly pointed out by the learned counsel appearing for the petitioner, the second respondent police, in their report submitted to the District Legal Services Authority, has stated that the Investigating Officer conducted inquest on the body of the deceased at 13.00 hours at



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the mortuary attached to the Thoothukudi Government Hospital and examined the inquest witnesses Chithiraipal and Puthiyavel and recorded their statements and that thereafter postmortem was conducted at about 14.30 hours. The main contention of the petitioner is that the said Puthiyavel was in Chennai at that time and only after getting the information about the death of the petitioner's father, he returned to Thoothukudi through a flight and reached Thoothukudi at 15.35 hours and as such, there was no chance or occasion for the witness Puthiyavel to stand as witness for the inquest at 13.00 hours. As rightly pointed out by the learned Government Advocate (Criminal Side), the petitioner has not produced any material to show that the said Puthiyavel was in Chennai at that time and returned through a flight and reached Thoothukudi at 15.35 hours. Even assuming that the claim of the petitioner is true, it does not necessarily invalidate the investigation or final report.

6. Notably, the petitioner's FIR did not allege any wrongdoing by Athinarayanan and others, nor did it express suspicion regarding the father's death.

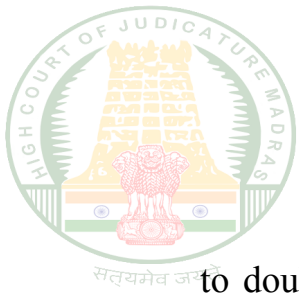


7. The Investigating Officer, in the final report, has observed,

□ எனது புலன் விசாரணையில் இருந்தும் சாட்சிகளின் வாக்கு மூலங்களிலிருந்தும் சம்பவ இடத்தை பார்வையிட்டதிலிருந்தும் பஞ்சாயத்தார்களின் ஒருமித்த கருத்துறைகளிலிருந்தும் மருத்துவ அதிகாரியின் கருத்துரையில் இருந்தும் இறந்து போன தங்கவேல் சம்பவ நாளான 23.09.2021ம் தேதி மாலை 17.55 மணிக்கு பின்பாக குளிப்பதற்காக கட்டாலங்குளம் ஊருக்கு தென்புறமுள்ள முத்துநாடார் கல்குவாரிக்குள் சென்றுள்ளார். அப்போது மழை பெய்து கொண்டிருந்த காரணத்தினால் இறந்து போன தங்கவேல் கால் வழக்கி தவறி கல் குவாரிக்குள் விழுந்து தண்ணீருக்குள் மூழ்கி மூச்சுதிணறி இறந்து விட்டது உண்மையென என்பது எனது புலன் விசாரணையில் தெரிய வருகிறது. ஏனவே இவ்வழக்கை புலன் விசாரணையில் வைப்பதில் எந்தவித உபயோகமும் இல்லாத காரணத்தினால் இவ்வழக்கின் விசாரணையை இத்துடன் முடித்து FAD என முடிவு செய்து இறுதி அறிக்கை சமர்ப்பிக்கிறேன். □

8. Except naming some persons and filing two FIRs, the petitioner has not produced any iota of materials to substantiate his stand.

9. Considering the final report, statement of the witnesses, postmortem report and other materials available on record, there is nothing



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to doubt the prosecution case and that the learned Magistrate has rightly accepted the final report and closed the FIR consequently and as such, the impugned order cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

10. In the result, this Criminal Revision Case stands dismissed. No costs.

13.06.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

- 1.The Judicial Magistrate No.I,
Thoothukudi.
- 2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 3.The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

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Pre-Delivery Order made in
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Dated : 13.06.2025