



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 17594 of 2026

T. Gunasekaran, S/o. Thoppalagoundar
No.1/550, Veerapanaickanpatti,
Gudalur Village and post,
Harur Taluk, Darmapuri District.

..Petitioner(s)

Vs

1. The Inspector of Police,
Harur Police Station,
Dharamapuri District.
Crime No.481 of 2024.

2. Pavithran, S/o. Selvam,
Gudalur Village and Post,
Harur Taluk, Dharmapuri District.

..Respondent(s)

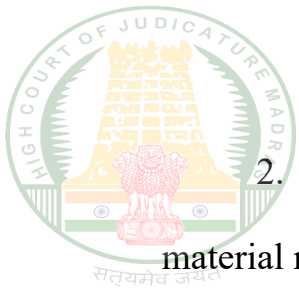
Prayer: Criminal Original Petition filed under Section 528 of BNSS, to direct the 1st Respondent to conduct further enquiry and file a Supplementary charge Sheet in C.C.No.90 of 2025, pending trial on the file of the Judicial Magistrate, Harur.

For Petitioner(s): Mr.Sharukumar S.I. for Mr.S.Ravi

For Respondent(s): Mr.R.Rajasekaran
Government Counsel (Crl. Side)

ORDER

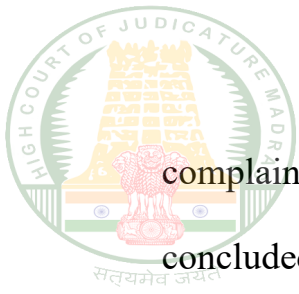
The prayer in the Criminal Original Petition is to conduct further enquiry and file a supplementary charge sheet in CC.No.90 of 2025.



2. Upon hearing the learned counsel on either side and perusing the material records of this case, the petitioner's son was travelling in Royal Enfield motorcycle and while so, in a road accident, he succumbed to the injuries. A complaint was given stating that a Tractor bearing registration number TN-29-AT 2983 was driven in a rash and negligent manner by the accused and caused the accident. Accordingly, the First Information Report in Crime No. 481 of 2024 was registered. Subsequently, a final report is also filed for the alleged offences under Sections 106(1) of BNS and 134(b) & 181(3) under the Motor Vehicles Act, confirming that the allegations contained in the FIR as correct and that the other person has driven the Tractor in a rash and negligent manner and caused the death of the son of the petitioner.

3. The petitioners present case is that there is previous enmity between the family of the accused and the petitioner. Therefore, it is his version that it is not a mere accident and the same was done willfully and wantonly. The learned counsel for the petitioner would further submit that the petitioner wanted to give such a statement even during the pendency of the investigation but that was never recorded.

4. Per contra,, the learned Government Advocate (Criminal Side) submitted the FIR itself is very clear that only the said Pavithran drove the Tractor in a rash and negligent manner and when the petitioner has given such a



complaint, the same has been duly investigated and the Police has also concluded that it is a road accident. Merely because there is enmity between both the families, it cannot be concluded that it is an attempted murder when the evidence otherwise shows that it is only a road accident.

5. When the factual aspects are disputed and when it is contended by the Police that after due investigation they have no doubt whatsoever that the incident is nothing but a road accident, if the contention of the petitioner is that it is planned action, it will be open for the petitioner to depose before the learned Judicial Magistrate, Harur before whom the matter is pending in CC.No. 90 of 2025 and, it is for the trial court to consider the veracity and *prima facie* case etc. of the said deposition and thereafter, take further such steps in the manner known to law.

6. With the aforesaid liberty kept open to the petitioner, since the very complaint itself was given by the petitioner and on the basis of which, the FIR is recorded, the prayer in the present petition cannot be countenanced and as such, the Criminal Original Petition is disposed of.

08-07-2026

Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

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1. The Inspector of Police,
Harur Police Station,
Dharamapuri District.
2. The Judicial Magistrate,
Harur.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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