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Crl.O.P.(MD).No.16989 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.16989 of 2026

P.Dhanalakshmi

... Petitioner/
Mother of deceased victim

Vs

1. The State of Tamil Nadu,
Represented by
The Inspector of Police,
Kabistharam Police Station,
Papanasam Taluk,
Thanjavur District.
(In Crime No.190 of 2024)

... 1st Respondent/
Complainant

2. Anand

... 2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records in connection with order dated 06.12.2025 passed by the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District in R.C.S.No.225 of 2025 and set aside the same as illegal and pass such further or other orders as this Court may deem fit.

For Petitioner : Mr.M.Seenisulthan



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Crl.O.P.(MD).No.16989 of 2026

For R1

: Mr.V.Shathurthi Raja
Government Advocate (Crl.Side)

ORDER

The present petition has been filed by the mother of the deceased seeking a direction to set aside the order dated 06.12.2025 passed in R.C.S.No.225 of 2025, on the file of the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District.

2. It could be seen from the records that the son of the petitioner has passed away in a road accident on 05.02.2024. An FIR has been registered in Crime No.190 of 2024 on the file of the first respondent police for the offence under Section 174 of Cr.P.C. The F.I.R has been lodged by the pillion rider of the two wheeler, which was driven by the deceased person.

3. The respondent herein has filed a referred charge sheet before the concerned Court and notice has been issued to the defacto complainant namely, the pillion rider of the vehicle. Since he has not responded, the Court has chosen to accept the RCS report filed by the respondent police. Challenging the same, the present petition has been filed.



Crl.O.P.(MD).No.16989 of 2026

WEB COPY

4. According to the learned counsel appearing for the petitioner, the petitioner is the mother of the deceased victim and therefore, notice ought to have been issued to the petitioner herein. The pillion rider, namely, Anand, who was the defacto complainant, was only a friend of the deceased and therefore, he may not evince any interest in the said matter.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6. As it could be seen from the records, though Mr.Anand was defacto complainant, he was only a pillion rider and friend of the deceased person and he may not evince any interest in the matter. In such circumstances, notice should have been issued to the mother of the deceased namely, the petitioner herein.

7. In such view of the matter, the order dated 06.12.2025 passed in R.C.S.No.225 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District, stands set aside and the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District is



Crl.O.P.(MD).No.16989 of 2026

directed to issue notice to the petitioner and after hearing her submissions,
orders to be passed in accordance with law.

8. With the above said observations, this Criminal Original Petition is
allowed.

11.08.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The District Munsif cum Judicial Magistrate,
Papanasam, Thanjavur District
2. The Inspector of Police,
Kabisthalam Police Station,
Papanasam Taluk,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4/5



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Crl.O.P.(MD).No.16989 of 2026

R.VIJAYAKUMAR,J.

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Crl.O.P(MD)No.16989 of 2026

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