



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 10.06.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.(MD).No.792 of 2018

V.Duraikannu

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Othakadai Police Station,
Madurai District.

(Crime No.289 of 2017)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents herein to reinvestigate the case in Crime No.289 of 2017 on the file of the second respondent police by appointing a sincere officer to enquire into the said case and file a report before this Court.

For Petitioner : Mr.A.Shahjahan
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.side)

O R D E R

This criminal original petition has been filed seeking for reinvestigation in in Crime No.289 of 2017 on the file of the second respondent police.

2. The grievance of the petitioner is that the petitioner's son viz., Senthil Kumar was employed under Senthilkumar, S/o. Sivaraman, as a mechanic. On 24.05.2017, while the owner of the shop viz., Senthilkumar, S/o. Sivaraman riding a motorcycle, the petitioner's son Senthil Kumar was a pillion rider and the vehicle was met with an accident in which the petitioner's son Senthil Kumar died. However, based on the complaint given by Senthilkumar, S/o. Sivaraman, a crime has been registered as if the petitioner's son Senthil Kumar has driven the vehicle and while applying the break suddenly the petitioner's son Senthil Kumar fell down and sustained injuries. After he succumbed to the injuries. Now, the respondent police investigated the crime and closed the complaint as 'action dropped'. Not being satisfied with the same, the present



criminal original petition has been filed seeking for reinvestigation.

3. The learned Government Advocate (Crl.side) would submit that based on the complaint given by one Senthilkumar, S/o. Sivaramanan, the second respondent has conducted the investigation and obtaining statement from the witnesses including that of the petitioner, the second respondent filed a closure report and there is no necessity for ordering reinvestigation.

4. Admittedly, now the final report has been filed by the second respondent closing the complaint, hence the criminal original petition is not maintainable at this stage before this Court. If at all the petitioner has any grievance against the final report, it is always open to him to file necessary application before the concerned Judicial Magistrate before whom now the final report is filed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Othakadai Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) .No.792 of 2018

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