



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.21079 & 21804 of 2015

and M.P.(MD)No.1 of 2015

CRL.O.P. (MD)No.21079 of 2015

Murugaboopathi

... Petitioner

Vs.

The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

... Respondent

Prayer in Crl.O.P.(MD)No.21079 of 2015 : Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the respondent to change the investigation in the First Information Report in Crime No.52 of 2015 dated 14.04.2015 on the file of the Inspector of Police, Thiruppalaikudi police station to any other police officer except the control of the Deputy Superintendent of Police, Thiruvadanai Division.

CRL.O.P. (MD)No.21804 of 2015

Murugaboopathi

... Petitioner

Vs.

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

2. The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
(Crime No.52 of 2015)

... Respondents

Prayer in Crl.O.P.(MD)No.21804 of 2015 : Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the second respondent to alter the First Information Report in Crime No.52 of 2015 dated 14.04.2015 that Sabarinath was driving in the Swift car No.TN 63 AV 7952, instead of Vigneswaran was driving in the Swift car at the time of accident.

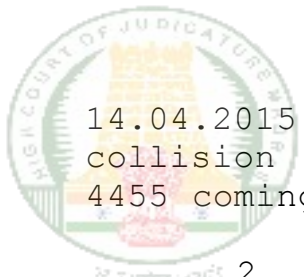
(in both Crl.O.Ps.)

For Petitioner : Mr.M.Punitha Deva Kumar

For Respondents : Mr.A.Robinson,
Government Advocate(Crl. Side).

C O M M O N O R D E R

The petitioner's son Vigneswaran was travelling in the car bearing registration No.TN 63-AV-7952 along with his friends on



14.04.2015. The said car met with an accident. It had a head on collision with another vehicle bearing registration No.TN 67-AS-4455 coming from the opposite direction in E.C.R. Road, Ramnad.

2. The petitioner herein is the owner of the car bearing registration No.TN 63 AV 7952. Following the said accident, Crime No.52 of 2015 was registered on the file of the Thirupalaikudi police station. In the said case, the stand of the prosecution is that the ill-fated car was driven by the petitioner's son Vigneswaran. In the said accident, along with Vigneswaran, six other persons also died. The petitioner was aggrieved by the manner in which the investigation was conducted. He has therefore filed Crl.O.P.(MD)NO.21079 of 2015 seeking change of investigation. He has also filed Crl.O.P.(MD)No.21804 of 2015 for altering the First Information Report. According to the petitioner, the vehicle was driven by Vigneswaran. But then, the other car was driven by one Sabarinath.

3. When the matter was taken up for disposal, the learned Government Advocate(Crl. Side) submitted that the police have filed the final report closing the case as charges abated. The petitioner's counsel states that the investigation was not conducted in a proper manner.

4. Be that as it may, the police were left with no other option but to file the said report. Vigneswaran is no more. Sabarinath, who according to the petitioner, drove the vehicle also is no more. One Anbu who drove the vehicle that came from the opposite direction, is also no more. In this case, all the persons mentioned by the petitioner are dead. Therefore, the police have rightly filed the final report closing the case as the charges abated. Of course the petitioner is at liberty to canvass or contest the claims on its own merits and entirely in accordance with law.

5. With these observations, the criminal original petitions stand dismissed. Consequently, connected miscellaneous petition is closed.

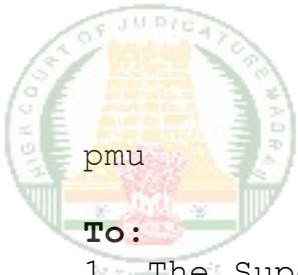
Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To:

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.M.Punitha Deva kumar, Advocate SR.No.103220

Crl.O.P.(MD)No.21079 & 21804 of 2015
and M.P.(MD)No.1 of 2015
03.12.2019

_KM (09.06.2020) 3P 5C