



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.12318 of 2020

R.Mohan : Petitioner/Defacto Complainant

vs.

1)The Superintendent of Police,
Thoothukudi District.

2)The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
(Crime No.427 of 2018)

: Respondents/Complainants

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 2nd respondent police to file a final report before the learned Judicial Magistrate No.III, Thoothukudi District in Crime No.427 of 2018 pending investigation on the file of the 2nd respondent Police.

For Petitioner : Mr.K.Palmurugan
For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

The present petition has been filed to direct the 2nd respondent police to file a final report before the learned Judicial Magistrate No.III, Thoothukudi District in Crime No.427 of 2018 pending investigation on the file of the 2nd respondent Police.

2.The learned counsel for the petitioner would state that on 09.09.2018, at 10.30 p.m., when the petitioner's son was returning to home after his work in his motor cycle, he met with an accident by a Car bearing registration No.TN 65 AY 3740 by hitting the motor cycle from behind, in which, the petitioner's son sustained grievous injury and a case was registered in Crime No.427 of 2018 under Section 279 and 337 IPC and thereafter, the petitioner's son died and as per his postmortem report, death was due to head injury and therefore, the FIR was later on, altered to Sections 279, 304(A), 337 IPC. According to the petitioner, though the FIR was registered



on 10.09.2018, till date, final report is not filed. Hence, this petition.

3.The learned Additional Public Prosecutor would state that the enquiry with the owner of the Car bearing registration No.TN 65 AY 3740 mentioned in the FIR and his relatives revealed that the said vehicle did not involve in the alleged accident. The service reports of the above vehicle and details of repairing works carried out after the accident were also not revealed the involvement of the above Car in the accident. Even the statements obtained from the insurer of the Car to find out whether any claim was made by the owner after the date of accident, also not revealed the involvement. Also the said Car registration number did not find place in the list obtained from the Pudukkottai NHAI Toll Plaza and Thoothukudi, NHAI Toll Plaza. He would further state that one Maharajkumar, Police Constable who was present in the nearby area of the accident, gave a statement that one unknown person approached him and gave a small slip with vehicle No.TN 65 AY 3740 stating that only this vehicle had caused the accident. But the investigation conducted with the nearby persons in the industrial area and the CCTV footages did not reveal the involvement of the above vehicle and therefore, the case was closed as ''undetected''.

4.The learned Additional Public Prosecutor would further state that on 25.07.2020, when the Police went to the petitioner's house to serve RCS Notice No.14326, the petitioner was not in station and it was informed that the petitioner was working at Pondicherry and thereafter on 18.08.2020 also, the petitioner was not available in his house and his family members refused to disclose the petitioner's address at Pondicherry. Therefore, on 03.11.2020, in the presence of VAO, the Sub Inspector of Police, and the petitioner's family members, RCS notice was duly affixed in the conspicuous part of the petitioner's house. Thereafter, RCS notice and final report was served to the petitioner's daughter-in-law who refused to receive it and therefore, the same were sent through registered post with acknowledgment on 06.11.2020.

5.In view of the above submission of the learned Additional Public Prosecutor, this Criminal Original Petition is closed. If at all the petitioner is aggrieved, he may challenge the RCS notice and final report in the manner known to law.

Sd/-

Assistant Registrar (A.S)

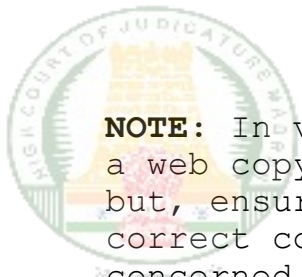
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Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

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

ORDER MADE IN
Crl.O.P(MD)No.12318 of 2020
DATED : 23.11.2020

MR (CO)
CS (08.12.2020) 3P 5C