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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.11254 of 2021

P.Jayalakshmi

...Petitioner

Vs.

1. Superintendent of Police,
Superintendent Office,
Villupuram Distirct.
2. District Superintendent of Police,
Kottakuppam, Marakkanam,
Villupuram District.
3. Inspector of Police,
Mailam Police Station,
Villupuram District.

...Respondents

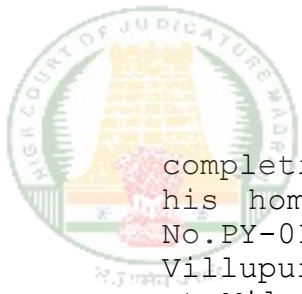
PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to direct the third respondent to alter the FIR in Crime No.197/2018 dated 23.01.2018 by inserting the vehicle Mahindra and Mahindra (Model 475 Di BPLT) Tractor bearing registration Vehicle Number Tn-25 L-3272.

For petitioner	: Mr. G.Mohammed Aseep
For Respondents	: Mr.A.Damodaran, Gov. Advocate (Cr1. Side)

ORDER

This petition has been filed to direct the third respondent to alter the FIR in Crime No.197/2018 dated 23.01.2018 by inserting the vehicle Mahindra and Mahindra (Model 475 Di BPLT) Tractor bearing registration Vehicle Number Tn-25 L-3272.

2. The third respondent police had registered an FIR in Crime No,197/2018 for the offence under Section 279 and 304(A) of IPC, on the basis of the complaint given by one P.Jayalakshmi, the petitioner herein. The gist of the complaint is that, her husband Ponnappan was working in L & T Company, Setharapattu for the past three years and on 23.04.2018, after



completing his work, at about 8.00 p.m., he was proceeding to his home at Chinnanerkunam in his TVS-50 bearing registration No.PY-01-X8366 and riding his vehicle along Cooteripattu-Villupuram High Way and while nearing Block Development Office at Milam, an unidentified vehicle came in a rash and negligent manner and hit against the TVS-50, due to which he sustained head injury and Immediately he was taken to Mundiyaibakkam Government Hospital, where he was declared as dead. Later, complaint had been lodged.

3. The contention of the petitioner is that there are two eye witnesses namely 1. V.Elumalai s/o Vijayarangan, 2. C.Arumugam, s/o Chennasami and they have clearly given statement that a Mahindra & Mahindra 475 Di BPLT Tractor bearing registration No.TN-25-L-3272 loaded with TMT Road came in a rash and negligent manner from Mailam Block Development Office towards Villupuram and dashed against the vehicle of the petitioner's husband, due to which he sustained grievous injury and succumbed to the injuries. According to the petitioner, though the eye witnesses had informed about involvement of the Tractor and its registration number during the accident, the respondent police had not taken any action to alter the FIR by inserting the details of the Mahindra and Mahindra Tractor. Hence, this petition has been filed.

4. The learned Government Advocate (Crl. Side) submitted that while giving statement under Section 161 of Cr.P.C., the eyewitness namely V.Elumalai has not disclose anything about the Tractor hit against the petitioner's husband's vehicle. The another witness C.Arumugam is a witness to the observation mahazar and he is not an eyewitness. He further submitted that during investigation, the respondent police have examined 12 witnesses and none of them have stated about the accident being caused by the Mahindra & Mahindra Tractor, as stated by the petitioner and after completion of enquiry, the case has been closed and charge sheet has been filed on 22.11.2018 before the Judicial Magistrate-II, Tindivanam.

5. At this stage, the learned counsel appearing for the petitioner submitted that the accident was took place in a National Highway Road, where, there was a C.C.T.V. Camera and the scene of accident would have been recorded in the CCTV Camera. However, the respondent police has not taken any action. He also submitted that the respondent police has not also intimated about the closure of the case and they have not produced the RCS notice to the petitioner.

6. Inview of the above submissions, the respondent police as well as the Judicial Magistrate-II, Tindivanam are



directed to serve the copies of the report of RCS to the petitioner. After receipt of the same, the petitioner may file a petition along with all the available materials before the concerned Magistrate to protest the closure, if she so desires.

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7. With the above observation, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate-II, Tindivanam.
2. Superintendent of Police, Superintendent Office, Villupuram Distirct.
3. District Superintendent of Police, Kottakuppam, Marakkanam,Villupuram District.
4. Inspector of Police, Mailam Police Station, Villupuram District.
5. The Public Prosecutor, High Court, Madras.

Cr1.O.P.No.11254 of 2021

AJB(CO)
LS(14/09/2021)