



BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 29.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P (MD)No.5631 of 2021

Philominal

... Petitioner

Vs

1.The Superintendent of Police,
Trichy Main Road,
Tamil University,
Thanjavur-613 010.

2. The Inspector of Police,
Tamil University Police Station,
Thanjavur.

3. Immanuvel

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the first respondent to consider petitioner's representation, dated 19.01.2021 and to appoint an Investigation Officer, other than the second respondent to investigate about the accident, dated 03.01.2021 and to file final report within the time stipulated by this Court.

For Petitioner : Mr.P.Sesubalanraja

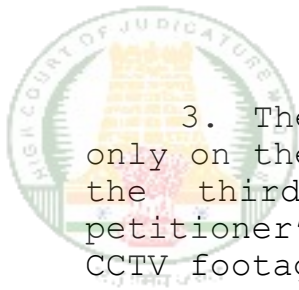
For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl.Side)
for R.1 & R.2

ORDER

The prayer in this writ petition is to direct the first respondent to consider petitioner's representation, dated 19.01.2021 and to appoint an Investigation Officer, other than the second respondent to investigate about the accident, dated 03.01.2021.

2. The case of the petitioner is that on 03.01.2021, the petitioner's younger son, while he was returning to home from Thanjavur, in his two wheeler, TVS 50, bearing Registration No.TN-39-AW-0895, was hit by a car driven by the third respondent and got grievous injuries. However, the second respondent registered a case as against the petitioner's deceased son based on the complaint lodged by the third respondent in Crime No.10 of 2021 and thereafter, the offences are altered into Sections 279 and 304(a) IPC.



3. The learned counsel for the petitioner would submit that only on the fault committed by the opposite car, which was driven by the third respondent in a rash and negligent manner, the petitioner's son met with an accident and died. He also produced CCTV footages, in which, the accident took place.

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4. While pending this petition, this Court, without noticing the registration of FIR as against the petitioner's son in Crime No.10 of 2021 for the offences under Sections 279 and 337 IPC, directed the second respondent to investigate the case after the registration of FIR on the basis of the statement of the victim.

5. The learned Additional Public Prosecutor (Criminal Side) revealed that when the petitioner's son was riding his motorcycle on the Highways from Thanjavur to Pudukkottai, he turned right hand side without noticing the car which was coming from the opposite side from Pudukkottai to Thanjavur and hit the car on its front side, due to which he fell down and sustained injuries and thereafter he died. Therefore, the second respondent rightly filed the final report as against the deceased son under Sections 279 and 304 IPC is abated. In view of the above, this Court is not inclined to entertain this Writ Petition.

6. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

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.

To

1.The Superintendent of Police,
Trichy Main Road,
Tamil University,
Thanjavur-613 010.



2.The Inspector of Police,
Tamil University Police Station,
Thanjavur.

WEB COPY

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_RD(25.04.2022) 3P 3C