



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGOVAN**

W.P. (MD)No.7633 of 2021

P.Muthukalai

... Petitioner

Vs.

1.The State Rep by
The Commissioner of Police,
Commissioner Office,
Madurai District.

2.The Inspector of Police,
Traffic Investigation Wing II,
Madurai City,
Madurai District.
(In Crime No.208 of 2020)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the second respondent police to conduct further investigation in Crime No.208 of 2020 on the file of the second respondent police dated 28.11.2020, based on the petitioner representation dated 26.02.2021.

For Petitioner : Mr.P.Arumugam

For Respondents : Mr.R.Srinivasan

Government Advocate (crl.side)

O R D E R

This petition has been filed seeking a direction to the second respondent police to conduct further investigation in Crime No.208 of 2020 on the file of the second respondent police dated 28.11.2020, based on the petitioner representation dated 26.02.2021.

2.The case of the petitioner is that his father namely Puliyan was rearing goats. On 28.11.2020 at about 2.30 p.m., after came to know that the goats were missing from the shelter, he was searching missing goats. At that time when he was crossing the Dindigul main road, V.Kariskulam opposite to ARC parcel Service in front of Sakthivel Timber Shop from north to south, a vehicle which came from west to east direction dashed against him. As a result of which, he sustained grievous injury and he was taken to hospital, but without responding to the treatment, he died on 28.11.2020 at about 7.20 A.M. The case was registered in Crime No.208 of 2020 under Sections 279, 337 of I.P.C., r/w 187 of M.V.Act. Inspite of passage of several months, the police did not take any action to recover CCTV footage, which shows that his father was hit by a bus owned by the Tamil Nadu Transport Corporation bearing Registration



No.TN 57 N 2380, which was driven by the driver in a rash and negligent manner. Hence, the petitioner approached the second respondent and informed the above fact on 02.12.2020, but he did not take any steps. Thereafter, a representation was also sent on 03.02.2021. Thereupon, the driver and the conductor were summoned and appeared before the investigation officer and they also promised to preserve the structure of the bus. But they did not keep their promise. Till date, the offence was not altered into Section 304 A of I.P.C. Hence, this petition has been filed seeking a direction to the second respondent to conduct further investigation.

3.When the matter was taken up for hearing, the learned counsel for the petitioner would submit that though the petitioner produced CCTV footage to the investigation officer, he did not enquire the matter on that terms.

4.According to the learned Government Advocate (crl.side), the petitioner already sent a representation on 26.02.2021 and if the petitioner is not satisfied with regard to the present state of investigation, the Investigation Officer is ready to consider the petitioner's representation and undertake further investigation in that direction.

5.Since the limited prayer sought for in this petition, there shall be a direction to the second respondent herein, to consider the petitioner's representation dated 26.02.2021 and conclude the investigation within a period of four months from the date of receipt of a copy of this order.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Commissioner of Police,
Commissioner Office,
Madurai District.

2.The Inspector of Police,
Traffic Investigation Wing II,
Madurai City,
Madurai District.

+1 CC to M/s.P.ARUMUGAM, Advocate (SR-15620[F] dated
09/04/2021)

W.P. (MD)No.7633 of 2021
08.04.2021

ES (CO)

KB(12.05.2021) 3P 4C