



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.5772 of 2021

Murugan ... Petitioner
Vs.

1.The State rep.by
The Superintendant of Police,
Dindigul District.

2.The Inspector of Police,
Sempatti Police Station,
Dindigul District
(Crime No.1273 of 2020)

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to conduct the investigation and to file the final report in Crime No.1273 of 2020 on the file of the respondent police before the concerned Court within stipulated time fixed by this Court.

For Petitioner : Mr.J.Vishnu

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Srl.Side)

ORDER

This petition has been filed seeking a direction to the respondent police to conduct the investigation and to file the final report in Crime No.1273 of 2020 on the file of the respondent police before the concerned Court within stipulated time fixed by this Court.

2. The case of the petitioner is that due to the rash and negligent driving of the accused person namely Kandasamy, in Dindigul-Sempatty road on 28.08.2020, the petitioner's uncle suffered grievous head injury and he was in unconscious. Hence, the petitioner has given a complaint to the second respondent police. Based on the complaint, the second respondent registered a case in Crime No.1273 of 2020 only under Sections 279 and 337 of I.P.C. After filing of the first information report, no action



was taken by the respondent police to file a final report for offence under Section 304A of I.P.C.

3. According to the learned counsel for the petitioner, the victim died on 08.04.2021, due to the accidental injuries and so, offence under Section 304A of I.P.C is made out, but FIR is altered only under Sections 279 and 337 of I.P.C.

4. Whether the offence under Section 304A of I.P.C is made out or not is a question of further investigation and that can be undertaken only if the petitioner file any petition. So, he has to workout his remedy only before the trial Court, since final report is filed.

5. According to the learned Government Advocate (crl.side), since the death has occurred after eight months from the date of occurrence, there is no possibility of altering the offence under Section 304A of I.P.C. However, it is subject to the further investigation to be made by the concerned authority on this aspect. It is the further submission of the learned Government Advocate (Crl. Side) that final report was already filed before concerned Court, but it was not taken on file.

6. In view of the above submission, there shall be a direction to the concerned Court to take the final report on file immediately, if it is otherwise in order.

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

Sd/-

Assistant Registrar (CS-I)

// 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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Superintendant of Police,
Dindigul District.
- 2.The Inspector of Police,
Sempatti Police Station,
Dindigul District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KM(15.06.2021) 3P 4C