



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.7231 of 2022

R.Vinoth

... Petitioner

Vs.

1.The District Superintendent of Police,
Tiruvurur District.

2.The Inspector of Police,
Muthupettai Police Station,
Muthupettai Tk, Tiruvarur District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to further investigate the case through the competent officer by incorporating the offences involved in Crime No.842 of 2021 on the file of the second respondent by invoking the offence under Section 374 and 406 of Indian Penal Code, 1860.

For Petitioner : Mr.P.Vijendran,

For Respondents: Mr.A.Gokulakrishnan,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to further investigate the case through the competent officer by incorporating the offences involved in Crime No.842 of 2021 on the file of the second respondent by invoking the offence under Section 374 and 406 of Indian Penal Code, 1860.

2. The case of the petitioner is that the petitioner's father was working as daily wager. On 14.08.2021, one Kalyanasundaram, son of Kathaiyan engaged the petitioner's father



to work with one Habib Mohamed, who was constructing new home. The said Habib Mohamed had demolished the old building and deployed the bricks and blue metals in and around his premises. It is the further case of the petitioner that due to the negligent maintenance of the septic tank by Habib Mohamed, the petitioner's father fell down and died due to suffocations. Though it is the clear case of negligent act by the owner of the house, the respondent instead of registering the case under Section 304(A) of IPC, had registered under Section 174 of Cr.P.C. Thereby, the present petition has been filed seeking to alter the FIR.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the petitioner's father was employed by one contractor Kalyanasundaram, who was working in the construction site of one Habib Mohamed. The petitioner's father had fallen down into the septic tank and he had died due to suffocations. He would further submit that since the preliminary investigation reveals that it is the case of suspicious death, the respondent had registered the case under Section 174 of Cr.P.C. He would further submit that due enquiry would be conducted, if any materials are available in respect of negligence on the part of the persons, the respondent will suitably alter the FIR in accordance with law.

4. Recording the same, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

shk/sai

To

1.The District Superintendent of Police,
Tiruvurur District.

2.The Inspector of Police,
Muthupettai Police Station,
Muthupettai Tk, Tiruvarur District.



3.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.P.Vijendran, Advocate SR.No.21254

Cr1.O.P.No.7231 of 2022

PMK(CO)
CB(18/04/2022)