



WEB COPY



Crl.O.P.No.17159 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.17159 of 2021

Venkatesan

... Petitioner

Vs.

The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai.

... Respondents

Prayer: Civil Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the Respondent to conduct further investigation and include the offence committed by the Accused stated in the complaint dated 04.04.2021 by considering the Petitioner complaint dated 04.04.2021 in crime No.178 of 2021.

For Petitioner : Ms.P.Muthumari, for
Mr.R.Muthukumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to direct the Respondent to conduct further investigation on the complaint dated 04.04.2021 in Crime No.178 of 2021.



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2. The petitioner is the defacto complainant in the FIR in Crime No.178 of 2021. In the complaint, it is alleged that on 04.04.2021 at about 2 P.M. the son of the petitioner viz., Praveen along with his friend Nandhakumar went to Friends Sports Acadamy, Thiruvallur Nagar, Mugalivakkam, Chennai for Swimming. On the same day, at about 4 P.M. the petitioner received a call from his son's friend who informed that his son was brought out unconsciously from the swimming pool and he was taken to nearby hospital. But the hospital declared that his son had died.

3. This petition has been filed by alleging that the Swimming Pool run by the Friends Sports Acadamy, Mugalivakkam, Chennai does not have the necessary safety measures with proper safety equipments and qualified trainees. Even though the FIR has been registered against the accused under Section 174 of the Cr.P.C., the petitioner insisted the respondent to alter the FIR and investigate the case under Section 304 of IPC.

4. The learned Additional Public Prosecutor, on instruction, would submit that the investigation in this case is almost completed and the respondent Police would file the final report shortly.

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5. Admittedly, the petitioner is not an expert to tell about the provisions under which the investigation has been done. However, considering the averments stated in the complaint, it is obligatory on the part of the respondent Police to investigate the case as to whether the safety measures have been adopted in the place viz., swimming pool run by the Friends Sports Academy. If the investigation reveals that such safety measures are not adopted in the Swimming Pool, the accused can be charged for the offence under Section 304 of I.P.C along with Section 174 I.P.C. Despite the FIR has been registered on 04.04.2021, the request of the petitioner to investigate the case on a proper line, has not been considered by the 1st respondent.

6. There is no quarrel about the fact that the boy died due to the drowning in the swimming pool. The complaint, on the face of it, makes out a case for negligence on the part of the Friends Sports Academy for which the investigation ought to have been done. Since the final report has not been filed, the first respondent Police is directed to investigate the allegations raised by the defacto complainant under the guidance/directions of the



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Assistant Commissioner of Police, SRMC Range, Avadi Commissionerate.

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7. With the above observation and direction, this Criminal Original
Petition is allowed.

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vum
Index:yes/No
Speaking order / Non speaking order

To

1. The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai.
2. The Assistant Commissioner of Police,
SRMC Range, Avadi Commissionerate.
3. The Public Prosecutor
High Court of Madras, Chennai.



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R.N.MANJULA,J.

vum

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