



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD) No.4938 of 2022

Rajkumar

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Superintendent of Police,
Sivagangai District,
Sivagangai.

3.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.

4. Alagar,
The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus in the nature of forbearing the 4th respondent from harassing the petitioner in the capacity of 3rd respondent under the guise of alteration of the case in Crime No.285 of 2020 pending on the file of the 3rd respondent for the offence under Sec.304(A) of IPC thereby illegally roping in the petitioner in the above case by illegally terming the occurrence as an accident instead of murder for no fault of the petitioner beside directing the 4th respondent to hand over the Hero Honda Splender Plus vehicle bearing No.TN63-AA-2702 which was illegally and high-handedly taken away by the 4th respondent subordinates on 14.03.2022 based on the representation complaint of the petitioner dated 15.03.2022 submitted in person to the respondents 1 and 2 herein.

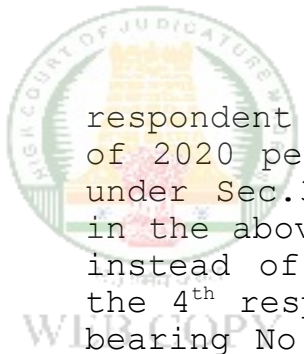
For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.R.M.Anbunithi

No.1 to 4 Additional Public Prosecutor

ORDER

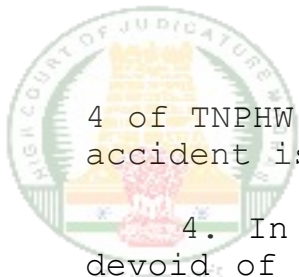
This writ petition has been filed forbearing the 4th respondent from harassing the petitioner in the capacity of 3rd
<https://hcservices.ecourts.gov.in/hcservices/>



respondent under the guise of alteration of the case in Crime No.285 of 2020 pending on the file of the 3rd respondent for the offence under Sec.304(A) of IPC thereby illegally roping in the petitioner in the above case by illegally terming the occurrence as an accident instead of murder for no fault of the petitioner beside directing the 4th respondent to hand over the Hero Honda Splendor Plus vehicle bearing No.TN63-AA-2702 which was illegally and high-handedly taken away by the 4th respondent subordinates on 14.03.2022 based on the representation complaint of the petitioner dated 15.03.2022 submitted in person to the respondents 1 and 2 herein.

2. The case of the petitioner is that the defacto complainant's husband namely Sudhakar was brutally attacked by the accused persons on 22.07.2020 while he was returning along with his wife namely defacto complainant and other relatives, due to which, he sustained injuries and the petitioner being a close friend of the said Sudhakar had helped the defacto complainant to take him to hospital immediately. While he was taking treatment at Madurai Rajaji Hospital on 04.08.2020 he succumbed to injuries. Immediately the third respondent altered the case for the into offence under Section 302 of IPC in Crime No. 285 of 2020. While being so, the fourth respondent had informed the petitioner that they are going to alter the offence into section 304(A) of IPC, for which the petitioner is required to produce the two wheeler before the third respondent. Originally the case was registered for the offences under Sections 294(b), 323,324, 506(ii) of IPC r/w.Section 4 of TNPHW Act in Crime No.285 of 2020 and subsequently it was altered to into Section 302 of IPC.

3. The third respondent has filed the status report and revealed that in the originally the First Information Report has been registered in Crime No.285 of 2020 for the offences under Sections 294(b),323,324,506(ii) of IPC and Section 4 of TNPHW Act for the occurrence which took place on 22.07.2020 alleging that the deceased was attacked by the accused persons. On the same day he was taken to Government Hospital, Ilanyankudi. On a perusal of the accident register reveals that the deceased was attacked by three unknown persons with knife and sustained injuries on his head and no other external injuries, therefore he was treated as out patient on 22.07.2020 itself. Injuries mentioned are only on the face, head and no other external injuries found in the body as he has fallen down from the two wheeler and as such he sustained severe head ache on 31.07.2020. Again he got admitted in the Medical College Hospital, Sivagangai and thereafter he was advised to go to Government Rajaji Hospital, Madurai and he was admitted on 01.08.2020 for further treatment. Unfortunately he died on 04.08.2020. Further on perusal of the accident record reveals that on the very same day the deceased had gone to the hospital and recorded that he had fallen down from the two wheeler. After recording statement from the witnesses now the case has been altered



4 of TNPHW Act. In this regard the vehicle which was involved in the accident is very much necessary for investigation.

4. In view of the same, the Writ Petition stands dismissed as devoid of merits. However the third respondent is directed to file the final report within a period of eight weeks from the date of receipt of a copy of this order. The Second respondent is directed to monitor the investigation done by the third respondent. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.
4. The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B. PRAHALAD RAVI, Advocate (SR-18760[F]
dated 13/04/2022)

W.P. (MD)No.4938 of 2022

11.04.2022

NSN(CO)

GC(02.05.2022) 3P 7C

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