



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10320 of 2022

N.Ganesan

...Petitioner/Defacto Complainant

Vs.

1.The Inspector General of Police,
South Zone,
Madurai.

2.The Superintendent of Police,
Tenkasi District,
Tenkasi - 627 811.

3.The Deputy Superintendent of Police,
Tenkasi,
Tenkasi District - 627 811.

4.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District - 627 758.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to withdraw the investigation pending on the file of the 4th respondent police station in Crime No.103 of 2021 and entrust the same to any other competent officer to investigate in accordance with law and in the interest of justice.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.R.Suresh Kumar

Government Advocate (Crl.side)

ORDER

This petition has been filed to withdraw the investigation pending on the file of the 4th respondent police station in Crime No.103 of 2021 and entrust the same to any other competent officer to investigate in accordance with law and in the interest of justice.

2.The learned counsel for the petitioner submitted that the petitioner's son Anandan was hit by a motorcycle on Tenkasi to Madurai National Highway near second gate of Dharani Sugar Mill on 12.04.2021 at 9.30 p.m and he died in the hospital. In this regard, a complaint was given by the petitioner before the respondent police and the case was registered on 13.04.2021 in Cr.No.103 of 2021 against the unknown persons for the offences under Sections 279 and 304(A) of IPC. Thereafter, the respondent police have not



investigated the matter. Hence, the petitioner has filed this petition seeking the above said relief.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the investigation in Cr.No.103 of 2021 for the offence under Sections 279 and 304(A) of IPC on the file of the 4th respondent has been completed and the complaint has been closed as undetectable and RCS notice has been served to the petitioner/de-facto complainant on 28.05.2022.

4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police.

5.Admittedly, the petitioner's son Anandan was hit by the motorcycle on Tenkasi to Madurai National Highway near second gate of Dharani Sugar Mill on 12.04.2021 at 9.30 p.m. and he died in the hospital. Based on the complaint given by the petitioner, the respondent police, registered the case in Cr.No.103 of 2021 against the unknown persons for the offences under Sections 279 and 304(A) of IPC. According to the learned Government Advocate (Crl.side) investigation has been completed and the complaint has been closed as undetectable and issued closure report to the petitioner on 28.05.2022.

6.The learned counsel appearing for the petitioner would submit that so far the petitioner did not receive any notice.

7.Recording the said submission made by the learned Government Advocate (Crl.side), this Criminal Original petition is closed. However, the 4th respondent is hereby directed to serve RCS notice to the petitioner/defacto complainant and the petitioner may take appropriate further legal action in this matter.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

vsd

To

1.The Inspector General of Police,
South Zone,
Madurai.



2.The Superintendent of Police,
Tenkasi District,
Tenkasi - 627 811.

3.The Deputy Superintendent of Police,
Tenkasi,
Tenkasi District - 627 811.

4.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District - 627 758.

5.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.RAHUL, Advocate (SR-25946[F] dated
15/06/2022)

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_RD(27.06.2022) 3P 7C