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CrI.O.P.No.23474 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

CrI.O.P.No.23474 of 2022

B.Kesavan
S/o.Balu

... Petitioner

Vs.

1. The Superintendent of Police,
Thiruvallur District, Thiruvallur.

2. The Inspector of Police,
Kararpettai Police Station,
Thiruvallur District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to reinvestigate the petitioner's complaint dated 18.07.2022 and to file final report in Crime No.43 of 2021 to the concerned Magistrate.

For Petitioner : Ms.T.Gnana Banu

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner is the father of one Devaraj, who died in a road accident had filed the above petition to reinvestigate the case in Crime No.43 of 2021 and to file a final report.



2. It is the case of the petitioner that the respondent police had registered an FIR against the actual happenings and projected that the petitioner's son had applied a sudden break while proceeding his two wheeler, due to the sudden break, the petitioner's son fall down and had injury in his head.

2. On the contrary, it is submitted by the learned counsel for petitioner that on 10.02.2021, at about 12.30 p.m, the petitioner's son after completion of the work, when the petitioner's son was return back to the home in his two wheeler bearing registration No.TN-18-R-3169, when he was near to Babu Tea Stall, a lorry bearing Registration No.TN-20-AV-9652 had applied a sudden break without any reason. Due to the sudden break of the lorry, the petitioner's son colluded on the back side of the lorry and sustained serious head injury, thereafter, the petitioner's son was admitted in the Stanely Government Hospital. Due to the head injury, on 13.02.2021 at about 5.20 a.m., the petitioner's son died. The persons in the Babu Tea shop had witnessed the accident and also the lorry was handed over to the Police Station and thereafter for the reason that the concerned lorry belongs to TVL Sharon Veneers P Ltd (Sharon plywoods), Mr.N.Mohan, Sub Inspector of Police had not taken any



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action in this regard and further, now the case is closed as mistake of fact.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor submits that in this case, the petitioner's son died due to rash and negligent manner of riding his own vehicle and sustained head injury. Thereafter, immediately he was taken to Stanely Government Hospital, where he was admitted as in-patient for two days and thereafter, on 13.02.2021 at about 5.20 a.m., the petitioner's son died, none of the witnesses stated anything about the involvement of the lorry as projected by the petitioner. Further, in this case the accident had taken place on 10.02.2021 and the FIR registered on 13.02.2021, the petitioner after one and half year on 18.07.2022 sent a representation, which shows that for the purpose of claiming accident claim such theory is propounded by the petitioner. Now the investigation completed and the case is likely to be closed as mistake of fact after serving notice to the petitioner and the closure report will be filed before the District Munsif Court, Gumidipoondi.



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4. Considering the facts and circumstances of the case, the case has now been closed as mistake of fact and closure report will be filed shortly, the representation of the petitioner is well after one and half year of the accident, it is for the petitioner to file a protest petition and putforth his case with supporting materials before the concerned Court and it is for the concerned Court to decided the case on its own merits.

With the above observations, this Criminal Original Petition is disposed of.

15.06.2023

Index: Yes/No
mp

To

1. The Superintendent of Police,
Thiruvallur District, Thiruvallur.
2. The Inspector of Police,
Kararpettai Police Station,
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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