



Crl.O.P.(MD)No.16963 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

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Arumugam

... Petitioner/Defacto complainant

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
In Crime No.45 of 2017.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to conduct further investigation and include all the offence in connection with Crime No.45 of 2017 by considering the representation dated 16.06.2023.

For petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

This petition has been filed seeking a direction to the second respondent to conduct further investigation and include all the offences in connection with Crime No.45 of 2017 by considering the representation dated 16.06.2023.

2.The grievance of the petitioner is that on 07.04.2017, while the family members of the petitioner were travelling in the cab of the accused/driver of the vehicle, the accused hit on the left side pillar stone, due to which the vehicle capsized. Thereby, the family members of the petitioner sustained injuries. Hence, the petitioner lodged the present complaint and the same was registered in Crime No.45 of 2017 under Sections 279, 337 and 338 IPC.

3.Thereafter, the wife of the petitioner's brother, who sustained head injury in that accident, died due to the injuries even after taking continuous treatment on 04.02.2021. Hence, seeking to include Section 304 (A) IPC in the FIR in Crime No.45 of 2017 after conducting further investigation, the petitioner sent a representation dated 26.06.2023. Despite receiving the same, no action has been taken by the respondents



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on the said representation. Hence, the petitioner has filed the present petition.

4.The learned Government Advocate (CrI.Side) appearing for the respondents submits that the final report has been filed and taken on file in S.T.C.No.563 of 2017 on the file of the learned Sessions Judge, Ottapidaram and the same is pending for trial.

5.Heard both sides.

6.Admittedly, final report in this case had been filed in the year 2017 and the same is pending for trial. After four years of taking cognizance of the offence, one of the victims, namely Parameswari died on 04.02.2021. The question as to whether the said death occurred due to the injuries sustained by the victim in the accident or not is a matter for consideration by the respondent police by conducting further investigation in this matter.

7.Hence, the respondent Police is directed to carry out necessary investigation by following due process of law on considering the



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representation made by the petitioner on 16.06.2023 and conclude the same within a period of one month from the date of receipt of a copy of this order. In the meantime, the process of trial in S.T.C.No.563 of 2017 shall be kept in abeyance.

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

09.10.2023

Index : Yes/No
Internet : Yes/No
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To

- 1.The Sessions Court, Ottapidaram
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
- 3.The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA. J.

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