



CrI.O.P.No.31142 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.31142 of 2024

Anand Kumar

... Petitioner

Vs.

1.The Superintendent of Police,
Kallakurichi District.

2.The Sub-Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, to direct the respondent to re-investigate or transfer the investigation to some other investigation agency in Crime No.338 of 2024, pending on the file of the second respondent.

For Petitioner : Mr.T.Balachandran

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

Heard the learned counsel on either side and perused the materials available on record.

2. This criminal original petition is filed for a direction to the



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respondent to re-investigate or transfer the investigation to another investigation agency in Crime No.338 of 2024, pending on the file of the second respondent.

3. According to the petitioner, he works as a driver. On 08.10.2024, around 7:30 PM, the petitioner's father, Adhimoolam, aged 63, was intentionally struck by a motorcycle (TN 01 AD 5932, Splendor Plus) driven by Irusan, son of Ponnann, near the BSNL tower. As a result, Adhimoolam sustained severe injuries and was taken to Kallakurichi Government Hospital, then referred to Salem Government Hospital for further treatment. Unfortunately, he passed away after receiving treatment. Despite evidence and a witness (Dhamodharan, son of Kulanchi, who was a pillion rider on the motorcycle), the police registered the incident as an accident under Crime No.338/2024 for offences under Sections 281 and 125(a) of the BNS Act, 2023. The petitioner asserts that the attack was intentional and sought re-investigation, requesting that the FIR be altered to include charges against Irusan. On 04.11.2024, the petitioner made a representation to the 1st Respondent, emphasizing that the incident was a planned attack. Despite receiving the representation, no action has been taken.

4. Upon careful consideration, it is noted that the petition is premature



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as the FIR was filed only on 09.01.2024 and the investigation is still ongoing.

At this stage, since the investigation has not been completed and no charge sheet has been filed, the request for re-investigation is not warranted. Furthermore, the petitioner has not demonstrated sufficient grounds to justify transferring the investigation to another agency. Hence, this criminal original petition is dismissed.

12.12.2024

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

WEB COPY

- 1.The Superintendent of Police,
Kallakurichi District.
- 2.The Sub-Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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