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Crl.R.C.No.1721 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.R.C.No.1721 of 2024

Rathiga

.... Petitioner

Vs

1.State through the Inspector of Police
Avinashpalayam Police Station
Tiruppur District
Crime No.146/2022

2.Krishnamoorthy

.... Respondents

PRAYER: Criminal Revision Case filed under Section 438 & 442 of BNSS Act, seeking to set aside the order dated 09.11.2023 in RCS.No.55/2023 in CRM No.4857 of 2023 on the file of Judicial Magistrate, Palladam and direct the 1st respondent to re-investigate and file a charge sheet in Crime No.146 of 2023.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Dr.C.E.Pratap for R1
Government Advocate (Criminal Side)



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ORDER

WEB COPY This Criminal Revision Case filed by the petitioner to set aside the order dated 09.11.2023 in RCS.No.55/2023 in CRM No.4857 of 2023 on the file of Judicial Magistrate, Palladam and direct the first respondent to re-investigate and file a charge sheet in Crime No.146 of 2023.

2.The brief facts of the case:

On 22.04.2022 at about 8.30 p.m., when the petitioner's husband viz., Manikandan proceeding from Tiruchi to Covai on the East to West direction by his two wheeler bearing Registration No.TN 33 AF 9484, at that time, the second respondent driver of the bus bearing Registration No.TN 33 N 3499 driven the bus in a rash and negligent manner and dashed against the petitioner's husband Manikandan. Due to the said accident, the petitioner sustained grievous injuries and immediately after the accident, the petitioner was admitted in the hospital and died in the hospital within two weeks.

3.Learned counsel for the petitioner submitted that due to the rash and negligent driving by the driver of the bus, the accident occurred and the petitioner died within two weeks. He further submitted that the learned



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Judge without conducting proper investigation on the petitioner's compliant
had deliberately closed the complaint.

4.Learned Government Advocate (Criminal Side) for the first respondent submitted that the prosecution had closed the investigation holding that the statement of witnesses that the deceased while over take the bus dashed against the bus and due to which, the accident occurred. According to the prosecution, the accident occurred due to the rash and negligent of the deceased. He further submitted that the complaint was wrongly lodged against the driver of the bus.

5.Heard learned counsel for the petitioner, learned Government Advocate (Criminal Side) for the first respondent and perused the materials available on record.

6.On perusal of the records, it is seen that the rash and negligence of the vehicles involved in the accident has to be decided at the time of trial, without which the closure report made by the prosecution is erroneous and RCS.No.55 of 2023 in CRM.No.4857 of 2023 passed by the learned



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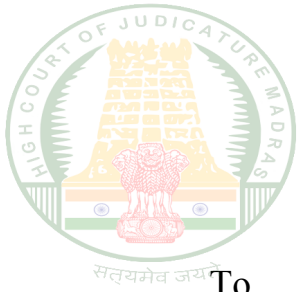
Judicial Magistrate, Palladam is set aside and the Criminal Revision is allowed.

7.The first respondent/Police is directed to re-investigate and file a charge sheet in Crime No.146 of 2023 in the manner known to law, within a period of 8 weeks from the date of receipt of a copy of this order.

02.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To
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- 1.The Judicial Magistrate,
Palladam.
- 2.The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
Crime No.146/2022
- 3.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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