



W.P(MD) No.2201 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.2201 of 2025

S. Thinagar

... Petitioner

Vs

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

2. The Inspector of Police,
Kadayam Police Station,
Tenkasi District.

3. Gunasekaran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing 2nd Respondent to take appropriate action and dispose petitioner's complaint dated 05.01.2025 based on his representations, dated 08.01.2025 and 11.01.2025.

For Petitioner : Mr.M.Raja

For Respondents : Mr.A.Thiruvadikumar (R1,R2)
Additional Public Prosecutor



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ORDER

The prayer in this writ petition is to direct the 2nd Respondent to take appropriate action and dispose petitioner's complaint, dated 05.01.2025 based on his representations, dated 08.01.2025 and 11.01.2025.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents police.

3.On 04.01.2025 at about 6.00 p.m., the petitioner was riding his bike bearing registration No.TN 76 B 9783 to purchase medicine for his mother. At that time, a tractor bearing registration No. TN 76 A 8614 driven by one Gunasekaran in a rash and negligent manner, dashed against the petitioner and the petitioner was thrown away and sustained fracture on his right leg and his right leg finger was also amputated. On 05.01.2025, the police had recorded his statement. However, there was no action on the side of respondent police. Hence, this petition has been filed.



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4.The learned Additional Public Prosecutor appearing for the respondent police submitted that for the said incident, based on the complaint of the 3rd respondent, an FIR in Cr.No.10 of 2025 has been registered against the petitioner. Based on the complaint given by the petitioner, dated 05.01.2025, the same was enquired in CSR No.16 of 2025 and closed on 11.01.2025.

5.Considering the submissions made on their side and perusal of records, it is seen that in this case, the petitioner was coming in a two-wheeler, whereas, the 3rd respondent was driving the Tractor in a rash and negligent manner and caused the accident. Due to the accident, the petitioner has sustained injury in his leg and one finger was also amputated. In such circumstances, without conducting enquiry closing of petitioner's complaint in CSR No. 16 of 2025 is not proper in the eye of law.

6.In view of the above, this Court is hereby set aside the closure report, dated 11.01.2025 in CSR No.16 of 2025 and direct the Inspector of Police, Kadayam Police Station to consider the petitioner's complaint, dated 05.01.2025 and proceed with the investigation in accordance with law.



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7. With the above directions, the Writ Petition stands disposed of.

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Index : Yes/No
Internet : Yes
PNM

To:

1. The Superintendent of Police,
Tenkasi, Tenkasi District.
2. The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M. NIRMAL KUMAR,J.,

PNM

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