



Crl.O.P(MD)No.2854 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.2854 of 2025

and

Crl.M.P(MD)No.1894 of 2025

Mani.K

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul.

2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Ottanchatram Subdivision,
Dindigul.

3.The State,
Represented by,
The Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul,
In Crime No.166 of 2024.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S. Act, 2023, to call for the records relating to the charge sheet in C.C.No.150 of 2024



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on the file of the learned District Munsif cum Judicial Magistrate, Athoor in Crime No.166 of 2024 and set aside the same and direct the first respondent to transfer the investigation of the case in Crime No.166 of 2024 on the file of the third respondent and entrust to conduct further investigation herein to any other investigation officer not below the rank of the Deputy Superintendent of Police within the jurisdiction of Dindigul District under the direct supervision of the first respondent with a direction to conduct proper further investigation in the manner known to law and file the complete final report within the time stipulated by this Court.

For Petitioner : Mr.R.Sidharthan

For Respondents : Mr.M.Sakthi Kumar
Government Advocate

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the charge sheet in C.C.No.150 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Athoor in Crime No.166 of 2024 and direct the first respondent to transfer the investigation of the case in Crime No.166 of 2024 on the file of the third respondent and to entrust the same for further investigation to any other investigation agency.



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2. According to the petitioner, the petitioner is the de facto complainant and his father died in a road accident, dated 16.06.2024. The rider of the two wheeler bearing Registration No.TN 59 AD 9860 came in a rash and negligent manner dashed against the father of the petitioner and thereby, caused accident. Due to the accident, the petitioner's father died. The accident occurred solely due to the rash and negligent driving of Mr.Saravanan but no proper investigation was conducted by the third respondent police. However, filed final report and the same was taken cognizance in C.C.No.150 of 2024 on the file of the District Munsif cum Judicial Magistrate, Athoor. Therefore, the petitioner filed this petition.

3. The learned Government Advocate appearing for the respondents would submit that already they completed the investigation and filed final report and based on the final report, the case has been numbered in C.C.No.150 of 2024 by the learned District Munsif cum Judicial Magistrate, Athoor and the petitioner also examined as one of the witnesses, apart from that, nine witnesses were examined so far. Since one of the witnesses turned hostile, the petitioner has filed this petition and there is no any merits in this petition. Therefore, this petition is liable to be dismissed.

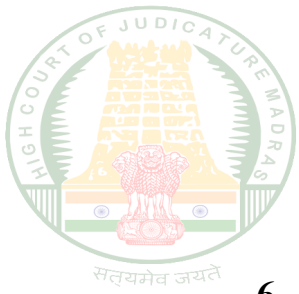


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4. This Court had heard both sides and perused the materials available on record.

5. This petition is filed by the petitioner to set aside the charge sheet and to investigate the case further through another investigation agency. According to the petitioner, the statements recorded by the third respondent in the final report are contra to the statement given by the petitioner and also the statement of the Mareeshwaran was also changed by the investigation officer. In order to substantiate the petitioner's contention, no any materials produced by him. Moreover, it is admitted fact that the petitioner was examined as one of the witnesses in this case and apart from this petitioner, 8 other witnesses were also examined and now at this stage after examination of witnesses, the petitioner filed this petition. This petitioner was also subjected for examination without any protest and at the time no any objection raised by the petitioner. Therefore, at this stage, it is not appropriate to consider the prayer of the petitioner at this stage.



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6. In view of the said discussions and considering the facts and circumstances of the case, this Court is of the opinion that this petition has no merits and deserves to be dismissed. Accordingly, this Criminal Original Petition stands dismissed at the stage of admission itself. Consequently, connected Miscellaneous Petition stands closed.

17.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul.
- 2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Ottanchatram Subdivision,
Dindigul.
- 3.The Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul.
- 4.The District Munsif cum Judicial Magistrate,
Athoor.



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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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