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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Crl.(MD)No.716 of 2025

S.Rejina Banu ... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Collector,
Virudhunagar District,
Virudhunagar.

2. The Sub Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, to direct the respondent to consider representation dated 06.04.2023 given by the petitioner and take appropriate action against erring officials to wrongly lodged the FIR in the petitioner's husband accident and

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complete the investigation in proper manner and file the final report before the appropriate Court.

For Petitioner : Mr.K.Muthu Ganesa Pandian
For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner has approached this Court seeking a direction to the respondents to conduct proper investigation in Cr.No.94 of 2023 by considering the representation of the petitioner dated 06.04.2023.

2.The petitioner's husband met with an accident on 20.03.2023 and admitted in the Government Hospital, Rajapalayam. A case in Cr.No.94 of 2023 has been registered as against the unknown vehicle under Sections 279 & 337 IPC. The petitioner by referring the anomalies in the FIR and accident report, has filed this petition

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seeking a direction to the respondents to conduct a proper investigation in Cr.No.94 of 2023.

3.The learned Additional Public Prosecutor appearing for the respondents submits that the investigation has already been completed and final report has also been filed before the learned Judicial Magistrate, Rajapalayam, on 10.08.2023. According to the learned Additional Public Prosecutor, RCS notice has also been served to the defacto complainant.

4.This Court has considered the submission made on either side and perused the available records.

5.The petitioner is the wife of the victim. The complaint was lodged by one Sahul Riyashtheen and RCS notice appears to have been served on him. It is not known whether the complainant has filed any protest petition. Since the petitioner is the wife of the

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victim, the respondent Police is directed to furnish the copies of the final report and RCS notice to the petitioner. The petitioner is at liberty to file a protest petition before the learned Judicial Magistrate, Rajapalayam, within a period of two weeks from the date of receipt of a copy of this order. In the event, if any protest petition filed by the petitioner, the learned Judicial Magistrate, Rajapalayam shall consider the same that it has been filed by the defacto complainant and pass suitable orders on merits and in accordance with law. Accordingly, this writ petition is closed. No costs.

28.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Judicial Magistrate, Rajapalayam

2.The Superintendent of Police,
Office of the Collector,
Virudhunagar District,
Virudhunagar.

3.The Sub Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District,
Virudhunagar.

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

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B.PUGALENDHI, J.

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W.P.Crl.(MD)No.716 of 2025

28.07.2025

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