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Crl.O.P.No.11187 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.11187 of 2026

Ramakrishnan

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Baluchettychatiram Police Station,
Kanchipuram,
Tamil Nadu – 631 551.

2.The Deputy Superintendent of Police,
Kanchipuram,
Tamil Nadu – 631 551.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to direct the respondents to complete
investigation and file final report in FIR.No.227 of 2023 pending on the file
of the first respondent police.

For Petitioner : Mr.A.Ashwinkumar
for M/s.AMS legal

For Respondents : Mr.R.Rajasekaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/defacto complainant on whose complaint a case in Crime No.227 of 2023 registered for the offence under Sections 279 and 304(A) IPC filed this petition seeking to complete the investigation and to file a final report.

2.The case as per the FIR is that the petitioner who is running a Tiffin shop near his residence was living with his wife, three daughters and one son. His son Shankar is employed as Weaver in Santhanam Silks located in Pattupoonga. On 22.04.2023, the petitioner's son went to his work and while he was returning back at 6.00 p.m. in a cycle near Vishar to Kundukulam road, a bike from behind hit him and his son sustained head injury and died in the spot. The same was informed to the petitioner and the body was taken to Government Hospital, Kanchipuram and complaint lodged.

3.The contention of the learned counsel for the petitioner is that the petitioner is a resident of Thiruvengadam Street, Pillaiyarpalayam,



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Kanchipuram. They have a dispute with the neighbours with regard to usage of common 5 feet passage, in which one portion is owned by the petitioner, another portion by his relative Boopathy and the third portion by one Arunachalam. This common passage is the only access to the petitioner's house. In the year 2019, Karthick, son of Arunachalam, Nallathambi and Shankar, sons of Boopathy put up a barricade causing obstruction and denying the petitioner's access to common 5 feet passage. Thereafter the petitioner created a separate gate to enter his portion. The neighbours lodged a complaint and the police caused an enquiry. On 04.12.2022 at 3.00 p.m., the neighbours engaged local goons and attempted to cause damage to the petitioner's gate. When it was resisted, the petitioner's wife and his son were physically assaulted. The petitioner's son admitted in Government Headquarters Hospital, Kanchipuram vide AR.No.279474 as inpatient in IP.No.49844 and he was in the hospital from 04.12.2022 to 07.12.2022. Thereafter, the petitioner filed a complaint for the assault but the Sivakanchi Police not taken any action. The petitioner sent a representation to the District Collector on 13.12.2022. Following the same, the petitioner also filed a civil suit in O.S.No.140 of 2022 before the District Munsif Court, Kanchipuram. The petitioner's complaint registered and CSR.No.1925 of



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2022 assigned but no action taken. In this background, on 22.04.2023, the

petitioner was informed by the Ward Councilor Shanmugam that his son was killed by certain people near Melkathirpur area. The petitioner and his wife rushed to the spot and though the Police was immediately informed, the police arrived to the spot only at about 7:30 p.m. He further submitted that in the Government Hospital, Kanchipuram, postmortem conducted and the cause of the death was given as haemorrhagic shock due to fracture of skull bone and intracranial bleeding. The postmortem report does not indicate any external injury such as contusion or abrasions to the body which are normally found in a case of road accident. The petitioner raised specific complaint against his neighbours Karthick, Nallathambi and Shankar but the respondent refused to entertain the petitioner's complaint and proceeded to investigate as a hit and run case. The petitioner was informed by one Murugan, who was near the scene of occurrence, stating that one person wearing yellow shirt came, removed the broken glass, water bottle and other articles found in the scene of occurrence. Even the cycle of petitioner's son was not seized and studied to find out the reason for the accident.

4.The learned counsel for the petitioner further submitted that the



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petitioner produced the phone number of Shankar, who was missing from the area after the death of the petitioner's son. He also pointed out that there are CCTV cameras in the adjoining junction to the road and the same would reveal the vehicle movement at the time of accident. The petitioner sent representation, met the respondent police and superior police officers, but no proper investigation conducted. The petitioner is an illiterate, he was in a state of shock, at that time, signature was obtained stating that it is required for getting the body from the hospital for cremation. The petitioner earlier filed Crl.O.P.No.27409 of 2023 seeking change of investigation. This Court on 13.12.2023 dismissed the same but directed the Deputy Superintendent of Police, Kanchipuram to supervise and look into the information furnished by the petitioner. The investigation is so far pending and nothing thereafter happened. He further submitted that the injuries recorded in the postmortem report states that there is haemorrhagic shock due to fracture of skull bone and intracranial bleeding which occurs only when there is a single heavy blow on the head of the victim. Added to it, there is no external injuries or any contusions and abrasions on the body of the victim. In support of his contention, the learned counsel for the petitioner filed the plaint copy in O.S.No.140 of 2022, copy of CSR.No.1925 of 2022, letter submitted by the



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petitioner to the Inspector of Police, Sivakanchi Police Station, discharge summary of his son for his earlier attack, Postmortem report, death certificate, representation given to CM Special Cell, District Collector, Superintendent of Police and to the Deputy Superintendent of Police, but so far the case proceeds as though it is only hit and run case.

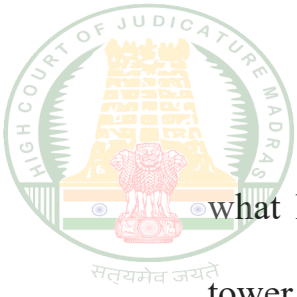
5.The learned Government Advocate (Crl. Side) submitted that on the complaint of the petitioner, FIR registered, Police visited the scene of occurrence, prepared observation mahazar and rough sketch, examined the witnesses present in the scene of occurrence, inquest conducted, body was sent for postmortem and after getting postmortem report, the body was handed over to the petitioner and he cremated his son's body. The petitioner had given mobile numbers of Karthick (9787160932) and Nallathambi (9791408366), the same was forwarded to Cyber cell requesting CDR details. On 31.08.2023 the cycle of the deceased was found behind Nayara Petrol Bunk in a bush and the same was seized under cover of mahazar. The CDR for mobile number 9791408366 was collected and the tower location confirmed that the mobile phone was near Ayyampettai village and investigation confirms that it is a hit and run case. The case is under



investigation, awaiting viscera report and once the report is received, final report will be filed.

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6.This Court not satisfied with the explanation given collected the Case Diary which is available with the instructing Polcie. From the Case Diary, it is seen that photographs are available with regard to the passage dispute and the following fight. One of the photograph is that of the deceased found to be lying in a pool of blood along with the cycle and his mobile phone. It is strange that the accident has taken place on 22.04.2023 and the photograph confirms the cycle, but the cycle had been seized after four months on 31.08.2023, but how the cycle which was found in the road was thrown to a bush behind the petrol pump, there is no reason given. Further what is the damage caused to the cycle, whether it is on the front or on the rear side, there is no record and the postmortem certificate confirms that there is injury only on the head and it is seen that there was bruises or abrasions which is normally found in a road accident when a person is hit and the impact normally drags the body to several meters but there is no such recording in the observation mahazar or rough sketch. Though the petitioner had given two mobile numbers, only one tower location collected,



what happened to the other one, whether any investigation with regard to tower location and usage of another mobile number conducted is also questionable.

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7.Further, this Court earlier in Crl.O.P.No.27409 of 2023 though dismissed the petition but directed the Deputy Superintendent of Police to supervise and look into the information furnished by the petitioner and proceed. On perusal of the Case Diary, it is confirmed that the Deputy Superintendent of Police not supervised and considered the provided information. There was prior assault on the deceased, further the death of the deceased in a road accident is highly doubtful. Hence, this Court finds continuation of investigation by the present Investigating Officer will not be proper and the victim apprehension of denial of justice is probable.

8.In view of the above, this Court directs the investigation in Crime No.227 of 2023 to be conducted by a Deputy Superintendent of Police to be nominated by Superintendent of Police, Kanchipuram. It is reminded that second opinion to be obtained on the postmortem report and also non-recording of external injuries and the latches observed above to be given due



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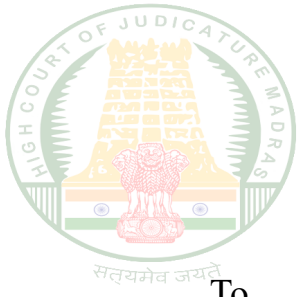
consideration during further investigation and final report to be filed without delay.

9. With regard to the Case Diary received by this Court, the Registrar (Judicial), High Court, Madras is directed to forward the Case Diary to the Superintendent of Police, Kanchipuram in a sealed cover through Special Messenger, without any delay.

10. In the result, the Criminal Original Petition stands allowed.

11.06.2026

Speaking order/Non-speaking order
Index: Yes/No
Neutral Citation: Yes/No
cse



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To
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Kanchipuram,
Tamil Nadu – 631 551.
- 2.The Deputy Superintendent of Police,
Kanchipuram,
Tamil Nadu – 631 551.
- 3.The Superintendent of Police,
Kanchipuram.
- 4.The Registrar (Judicial),
High Court, Madras.
- 5.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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