



CrI.OP.No.1924 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.OP.No.1924 of 2026

R.Magudeeswari

...Petitioner

Vs.

State of Tamil Nadu rep. by,
The Inspector of Police,
Pollachi-West Police Station,
Coimbatore District.
Crime No.311 of 2014

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023 to set aside the impugned docket order passed in Copy Application SR.No.255 of 2025 in Crime No.311 of 2014 by the learned Judicial Magistrate No.II, Pollachi, Coimbatore District, vide order dated 30.06.2025 and to direct the Court to grant certified copies of the documents, which were sought by the petitioner in the copy application filed by her bearing SR.No.255 of 2025 dated 24.06.2025, within the time limit stipulated by this Hon'ble Court.

For Petitioner : Ms.K.Dhivyashree

For Respondent : Mr.S.Santhosh, GA(Crl. Side)



CrI.OP.No.1924 of 2026

ORDER

This criminal original petition has been filed seeking to set aside the impugned docket order dated 30.06.2025 passed in Copy Application SR.No.255 of 2025 by the learned Judicial Magistrate No.II, Pollachi, Coimbatore District, and to consequently, direct the learned Judicial Magistrate No.II, Pollachi, Coimbatore District, to provide the certified copies of the documents, which were sought by the petitioner in the said copy application filed by her on 24.06.2025.

2.1 Learned counsel for the petitioner submitted that the petitioner is the wife of one Radhakrishnan, who died in a road accident on 22.12.2014, for which, the respondent police registered an FIR in Crime No.311 of 2014 for the offences under Sections 279 and 304A of IPC, pursuant to the complaint made by the petitioner. However, the said complaint was later referred as 'mistake of fact'. In the meanwhile, the petitioner, along with her two daughters, who were minors at the relevant point of time and the parents of the deceased, filed a claim petition in MCOP.No.110 of 2015 before the Sub Court, Pollachi. Since the First Information Report and other connected documents were required for effective prosecution of their case and as the



CrI.OP.No.1924 of 2026

petitioner was not served with the closure report, the petitioner filed a copy application in SR.No.255 of 2025, seeking photocopies of the relevant documents such as FIR, Complaint, MVI Report, map, observation mahazar, witness list, etc. However, merely because in the column named 'order if any' of the said copy application, it has been mentioned as 'for appeal' instead of 'for claim petition', the learned Judicial Magistrate No.II, Pollachi, Coimbatore District, vide order dated 30.06.2025, returned the said application with the following endorsement:-

'How the copy application reference mentioned as appeal as the FIR in West Police Station in Crime No.311 of 2014 was not yet taken on file by this Court. Hence returned'.

2.2 According to the learned counsel for the petitioner this is not sustainable, since the petitioner and the other dependents of the deceased Radhakrishnan, being the legal heirs of the victim are entitled to the documents sought. However, without considering the same, the learned Judge had returned the copy application filed by the petitioner, which is not sustainable. Accordingly, she prayed for appropriate orders.

3. On the above said contentions, heard learned Government Advocate (CrI. Side) appearing for the respondent and perused the materials on record.



WEB COPY

4. The aforesaid facts are beyond cavil. As rightly pointed out by the learned counsel for the petitioner, the petitioner and the other dependents/claimants in MCOP.No.110 of 2015, being the legal heirs of the deceased Radhakrishnan, are entitled to the copy of the relevant records for the purpose of conducting the MCOP and the learned Judicial Magistrate No.II, Pollachi, Coimbatore District, ought not to have returned the said copy application hinging on a hyper-technical ground. Ergo, the impugned docket order stands set aside. At this juncture, this Court hastens to add that the petitioner who is a widow has lost the breadwinner of their family consisting of herself, two daughter and her two aged in-laws which should have weighed in the mind of the Magistrate.

5. In view of the above, this Court directs the petitioner to re-present the copy application before the learned Judicial Magistrate No.II, Pollachi, Coimbatore District, within a period of two (2) weeks from the date of receipt of a copy of this order and upon such re-presentation being made, the learned Judge shall consider the same and issue the copies of the documents sought by the petitioner within a period of two weeks thereafter.



WEB COPY



CrI.OP.No.1924 of 2026

6. The respondent-police are also directed to hand over the certified true copies of the documents sought, to the petitioner and the learned Government Advocate (CrI. Side) shall also intimate the respondent police regarding the above direction of this Court.

7. With the above directions and observation, this criminal original petition stands disposed of.

29.01.2026

skt

NCC : Yes/No

To:

1. The Judicial Magistrate No.II,
Pollachi, Coimbatore District.
2. The Inspector of Police,
Pollachi-West Police Station,
Coimbatore District.
3. The Public Prosecutor,
Madras High Court.

5/7



WEB COPY



CrI.OP.No.1924 of 2026

A.D.JAGADISH CHANDIRA, J.

skt

CrI.OP.No.1924 of 2026



WEB COPY



CrI.OP.No.1924 of 2026

29.01.2026