Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 18-11-2026**

CORAM

**THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN**

**CRL OP No. 34031 of 2026**

CNR:{HCMA012782162026}

Case QR

A.Muthu
S/o Late Aakkan,
L. Pallapatti Village,
Natham Taluk,
Dindugal District.

..Petitioner(s)

Vs

1. The Commissioner of Police,
   Coimbatore,
   Coimbatore District.

2. The Inspector of Police
   Chettipalayam Police Station,
   Coimbatore District.
   Cr.No.230 of 2017

..Respondent(s)

**PRAYER:** Criminal Original Petition is filed under Section 528 of BNSS, praying to direct the respondents or any other investigating agency to conduct fresh investigation in Crime No. 230 of 2017 on the file of the 2nd respondent.

For Petitioner(s): Mr.R.Darshan

For Respondent(s): Mr.R.Ganesh Kumar
Additional Public Prosecutor
for R1 and R2



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**Order**

This Criminal Original Petition has been filed seeking a direction to the respondents or any other investigating agency to conduct a fresh investigation in Crime No.230 of 2017 on the file of the second respondent.

2.The case of the prosecution is that on 28.02.2017, the petitioner's son visited the premises of the accused company to see the statue of Dr. A.P.J. Abdul Kalam erected therein. While climbing the ladder to have a glimpse of the statue, he fell down and sustained serious injuries. Immediately, he was taken to the Government Hospital, Coimbatore, where he succumbed to his injuries. Based on the complaint lodged by the petitioner, the second respondent registered a case in Crime No.230 of 2017. After completion of the investigation, the second respondent filed a final report for the offences punishable under Sections 288 and 304-A IPC. The same was taken cognizance of by the learned District Munsif-cum-Judicial Magistrate, Madukkarai, in C.C.No.199 of 2022.

3.The learned counsel appearing for the petitioner submitted that the petitioner's son was employed in the accused company. However, taking advantage of the petitioner's illiteracy, the second respondent had improperly recorded his statement as though the petitioner's son had visited the accused



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company's premises along with his relative, one Anand, merely to see the statue of Dr. A.P.J. Abdul Kalam. The learned counsel further submitted that, though the supervisor and the management of the company had been arrayed as accused, the actual circumstances surrounding the occurrence had not been properly investigated and the incident had been portrayed as a mere accidental fall.

4.The learned Additional Public Prosecutor appearing for the respondents submitted that the investigation had been completed and a final report had already been filed, which was taken cognizance of by the learned District Munsif-cum-Judicial Magistrate, Madukkarai, in C.C.No.199 of 2022. It was further submitted that the trial has not commenced so far.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.On a perusal of the materials available on record, this Court finds that the principal grievance of the petitioner relates to the manner in which the statements of the witnesses were recorded and the circumstances surrounding the occurrence were investigated. The specific contention of the petitioner is that his son was an employee of the accused company and that the incident had occurred during the course of his employment, whereas the investigation



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appears to have proceeded on the premise that he had visited the premises merely to see the statue of Dr. A.P.J. Abdul Kalam.

7.In the considered view of this Court, the actual circumstances surrounding the occurrence, particularly the nature of the deceased's presence in the premises of the accused company and the circumstances under which he sustained the fatal injuries, require proper verification. The statements of the material witnesses assume significance in this regard. Since the trial has not yet commenced, this Court is of the view that an opportunity should be given to the investigating agency to examine the material witnesses afresh and ascertain the actual facts. Such an exercise would ensure that the investigation proceeds on the basis of the correct facts and that no material aspect of the occurrence remains unexplored.

8.In view of the above circumstances, the final report in F.R.No.92 of 2019 filed by the Inspector of Police, Chettipalayam Police Station, Coimbatore District, in C.C.No.199 of 2022 pending on the file of the learned District Munsif-cum-Judicial Magistrate, Madukkarai, is set aside. The second respondent is directed to re-examine L.Ws.1 to 4 and record their further statements in accordance with Section 161(3) Cr.P.C. Thereafter, the second respondent shall complete the further investigation and file an appropriate further final report before the jurisdictional Court within a period of four weeks from the date of receipt of a copy of this order.



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9.With the above directions, this Criminal Original Petition is disposed of.

**18-11-2026**

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

**NOTE: ISSUE ORDER COPY ON 19.11.2026**

To

1.The District Munsif-cum-Judicial Magistrate,
Madukkarai.

2.The Commissioner of Police,
Coimbatore,
Coimbatore District.

3.The Inspector of Police
Chettipalayam Police Station,
Coimbatore District.

4.The Public Prosecutor,
High Court,
Madras.



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**G.K.ILANTHIRAIYAN J.**

**AH**

**CRL OP No. 34031 of 2026**

**18-11-2026**



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