



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 6258 of 2026

and

CrI.MP.Nos. 4623 & 4625 of 2026

Ajithkumar
S/o. Ramalingam,
No.1-183,
Anna Nagar, 2nd Street,
Kalasapakkam Town,
Tiruvannamalai District.

..Petitioner(s)

Vs

1. The State Rep.by,
The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai.
2. Mahendiran
S/o. Gopal,
Number 335, Road Street,
Solai Amman Nagar,
Poondi Village Post,
Kalasapakkam,
Tiruvannamalai District.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the case pending in CC.No.41 of 2025 for the offences punishable u/s.279 and 304A of Indian Penal Code pending on the file of Munsif cum Judicial Magistrate, Kalasapakkam, pending disposal of this Criminal Original Petition.



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For Petitioner(s):

Mr.M.Palanivel

For Respondent(s):

Mr.R.Rajasekaran

Government Counsel (Crl. Side) for R1

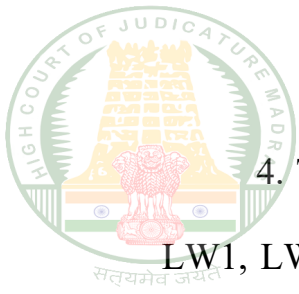
R2 – No Appearance

ORDER

The prayer is made to quash the final report in C.C.No.41 of 2025 on the file of the Munsif cum Judicial Magistrate, Kalasapakkam for the offences under Section 279 & 304A of IPC.

2. Upon hearing the learned counsel on either side and perusing the material records of the case, the allegation is that when the deceased was standing in front of his house, the petitioner rode the motorcycle in a rash and negligent manner and hit the deceased and caused his death. Hence, the case is registered and now after investigation, a final report is filed for the offences under Sections 279 and 304A of the Indian Penal Code.

3. The learned counsel for the petitioner would submit that the witnesses statements are inherently contradictory to each other and there is no evidence even to proceed against the petitioner. The petitioner is only aged 30 years and is preparing to leave abroad for his avocation. The pendency of the prosecution, fetters the petitioner's travel.



4. The learned Government Advocate (Criminal Side) would submit that LW1, LW2 & LW3 are eyewitness to the accident and they have spoken. He would further submit that already PW1 and PW2 are examined before the Trial Court and also cross examined by the petitioner.

5. Once there is a *prima facie* material against the petitioner, this Court on factual arguments and on arguments relating to contradiction between the material witnesses etc., cannot entertain the quash application. All those grounds are to be raised during the course of the trial.

6. In view thereof, keeping open the liberty of the petitioner to raise all the grounds before the Trial Court, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

7. Considering the plea made by the learned counsel for the petitioner that the petitioner is looking for an avocation abroad, let the trial be conducted as expeditiously as possible and, the presence of the petitioner before the Trial Court shall stand dispensed with, except for such hearings as may be insisted upon by the Trial Court.

21-07-2026

Neutral Citation: Yes/No
KKN



D.BHARATHA CHAKRAVARTHY, J.

KKN

To
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1. The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai.
2. The Munsif cum Judicial Magistrate,
Kalasapakkam.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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