



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

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CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 16600 of 2026
AND
CRL MP No. 10988 OF 2026**

Tamilananthan

... Petitioner

Vs

1. State Rep By,
Inspector of Police,
Kavandapadi Police Station,
Erode District.
(Crime No.46/2023)

2. Palanisamy

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the records relating to the Charge Sheet in CC No.30/2026 on the file of the Judicial Magistrate – II, Gobicheytipalayam and quash the same.

For Petitioner:

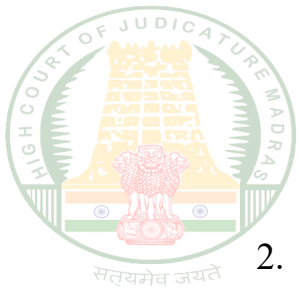
Mr.T.Balaji

For Respondents:

Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side) R1

ORDER

The prayer in this Criminal Original Petition is to quash the charge sheet in C.C.No.30 of 2026 on the file of the learned Judicial Magistrate – II, Gobicheytipalayam.



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2. Upon hearing the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent, the gravamen of the allegations in this case is that, when the deceased was crossing the road, the petitioner is alleged to have ridden his Bajaj Pulsar motorcycle in a rash and negligent manner and hit the deceased, causing her death.

3. The learned counsel for the petitioner would submit that admittedly, even as per the rough sketch drawn by the police, it can be seen that the deceased was at fault in trying to cross the road, where there is no zebra crossing. Therefore, the prosecution of the petitioner is uncalled for.

4. It can be seen that the said averment cannot be said to be an incontrovertible averment, but something which has to be established during the trial that it was only the deceased, who was negligent and the petitioner was careful enough. On the said ground, this Court cannot entertain this petition and quash the case at this stage.

5. In view thereof, the prayer made in this Criminal Original Petition cannot be countenanced. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner will be at liberty to raise all these grounds during the course of trial. Considering the plea of hardship made by the learned



counsel for the petitioner, the appearance of the petitioner before the trial court except for such necessary hearing as may be insisted by the trial court stands dispensed with. Considering the fact that the petitioner is said to be trying to go abroad for employment, the learned Judicial Magistrate No.II, Gobichettipalayam is requested to take up the trial as expeditiously as possible and complete the case and in any event, not later than one year from the date of receipt of the web copy of this order. Consequently, the connected miscellaneous petition is closed.

30-06-2026

Neutral Citation: No

sp

To

1.The Judicial Magistrate – II,
Gobichettipalayam.

2.The Inspector of Police,
Kavandapadi Police Station,
Erode District.



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CRL OP No. 16600 of 2



D.BHARATHA CHAKRAVARTHY J.

sp

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