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Crl.O.P.No.23492 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.06.2026
PRONOUNCED ON : 14.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.23492 of 2025 and
Crl.M.P.No.16035 of 2025

Satya Saai Ram, M/24,
Son of Murthy Sankar Raaman,
No.E-14, a-3,
2nd Floor, Ponny Apartments,
Anna Nagar East,
Chennai-600102.

... Petitioner

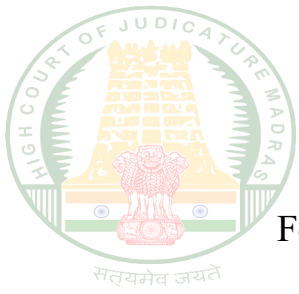
Vs.

1.The Inspector of Police,
Avadi TIW Police Station,
Chennai.

2.Vijayalakshmi,
Wife of Kumaran,
No.10/17,
Nadesbar Street,
Thiruverkadu,
Chennai-600077.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for records in C.C.No.476 of 2024 on the file of the learned Judicial Magistrate-I, Poonamallee, to quash the same with respect to this petitioner.



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For Petitioner : Mr.Abudu Kumar Rajaratnam,
Senior Counsel for Mr.V.Jai Hari Sudhan
For R1 : Mr.R.Rajasekaran,
Government Advocate (Crl. Side)
For R2 : Mr.R.Rajarajan

ORDER

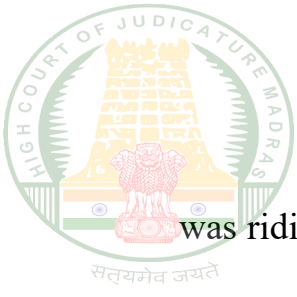
The petitioner/A1 facing trial in C.C.No.476 of 2024 for offence under Sections 106(1) & 281 of BNS before the learned Judicial Magistrate No.I, Poonamallee, has filed this quash petition.

2.Case of the prosecution is that on 04.08.2024 at about 10.45 a.m., the petitioner was riding his motorcycle viz., Kawasaki Ninja bearing Registration No.TN 02 BX 0070 from south to north on Tambaram–Puzhal Bypass Road. While he was near Porur Lake dam, one Kumaran, husband of the defacto complainant/2nd respondent was riding his TVS Jupiter bearing Registration No.TN 12 AZ 4740 from north to south on the same road on the opposite direction, took U-turn through unauthorised broken median and suddenly intruded into the petitioner's path. The petitioner's motorcycle was hit by the TVS Jupiter and accident occurred and the rider of TVS Jupiter was thrown onto middle of the road. At that time, Maruti Swift car bearing Registration No.TN 09 CQ 7791, driven by A2, coming from behind proceeding from south to north, came in a rash and negligent manner and ran over the rider of TVS



Jupiter, thereby, caused injuries on his head, knee, left leg fractured and blood oozed from face and nose and he died on the spot. On the complaint lodged by the 2nd respondent, the respondent Police registered an FIR in Crime No. 465 of 2024 for the offences under Sections 281 and 106(1) of BNS against the petitioner/A1 and A2, visited the scene of occurrence and prepared the Observation Mahazar and Rough Sketch in presence of witnesses. The petitioner/A1 was also severely injured in the accident and rushed to Kilpauk Medical College and Hospital, Chennai, where LW9 Casualty Doctor gave treatment. Thereafter, shifted to Vihaa Hospital, Anna Nagar, Chennai for further treatment where LW10 treated him. The respondent Police examined the witnesses present in the scene of occurrence, recorded their statements, conducted inquest on the body of the deceased, sent the body for postmortem examination, and sent the two motorcycles and the car involved in the accident to the Motor Vehicle Inspectors, who examined the vehicles and issued the Motor Vehicle Inspection Reports. On the conclusion of investigation, the respondent Police filed charge sheet before the trial Court listing LW1 to LW15 and documents.

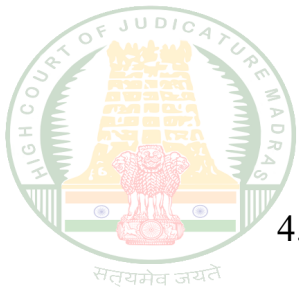
3.Learned Senior Counsel appearing for the petitioner submitted that the accident took place on Tambaram-Puzhal Bypass Road. When the petitioner



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was riding his Kawasaki Ninja motorcycle near Porur Lake dam, the deceased,

Head Constable attached to T15 SRMC Police Station, Chennai, and the husband of the 2nd respondent, was riding TVS Jupiter in the opposite direction, i.e., from north to south and took U-turn using unauthorised broken median, where he is not supposed to enter, and suddenly intruded into the petitioner's path and dashed against the petitioner's motorcycle. In result, the petitioner was thrown off the motorcycle and sustained grievous injuries. During this impact, the deceased was also thrown onto middle of the road and, a Maruti car, which was coming from behind, ran over the deceased. Learned Senior Counsel further submitted that the petitioner himself a victim due to the accident and he is not the reason for the accident. According to the petitioner, the accident occurred solely due to the act of the rider of TVS Jupiter, who violated the traffic rules by taking U-turn using broken median and cutting across the bypass road made sudden unauthorised entry, giving no time to react and thus the accident occurred solely due to the negligence of TVS Jupiter, rider of the deceased. He further referred to Rough Sketch wherein it is clearly recorded that “உடைக்கப்பட்டிருந்த மத்திய பகுதி” which confirms that the median broke open and the deceased entered using unauthorised broken median in violation of the traffic rules. Hence, the deceased is the reason for the accident.



4.Learned Senior Counsel further submitted that in fact the petitioner sustained grievous injuries and took treatment as inpatient in Vihaa Hospital from 04.08.2024 to 27.09.2024. Due to the accident, the petitioner's left index finger totally amputated, right forearm bones fractured, right distal radius fractured, right 5th meta carpal fractured and base of thumb, left segmental fracture of ulna, right 2nd to 5th meta tarsal fractured, right carpal bone fractured, right knee burns injury with contusions and abdomen, lumbar, gluteal area burns injuries with contusions. Further, K-wires, plates and screws fixed in his right forearm, left forearm, right foot and right hand. The petitioner suffered multiple grievous injuries and traumatic operations conducted. Even after the surgeries, the petitioner took treatment as inpatient for more than 1 1/2 months and continues to be under constant medical supervision, follow-up treatment and medication. His hand stiffness and foot movements are not normal and he was given rehabilitation protocol, and the rehabilitation of both his hand and finger movements are still in progress. Further, knee and ankle strengthening exercises are still continuing. Thus, the nature of the injuries sustained by the petitioner confirms the impact of the accident and the manner in which he was thrown off his motorcycle. Fortunately, the petitioner fell to his right side of the road and the deceased fell to the left side, where Maruti car driven by A2, coming from behind, ran over



the deceased. The petitioner survived only on account of the intensive medical treatment given to him.

5.He further submitted that in this case, though several witnesses examined, LW2 is the sole eyewitness to the accident. LW2 in his statement stated that on 04.08.2024 at about 10.45 a.m., when he was riding his motorcycle following the petitioner and near Porur Lake dam. At that time, the deceased, who was coming on the opposite side of the road, took U-turn through the broken median, causing impact, due to which the deceased was thrown onto the middle of the road. At that time, a Maruti car coming from behind ran over the deceased. Thus, it confirms that the petitioner neither the cause nor reason for the accident. Bypass roads are with clear demarcation carriageways, separated by a median of 10 feet in width, and the road on either side is about 35 feet broad. The cause of the accident is due to the negligence of the deceased in violating the traffic and road rules. The sudden entry from unauthorised point is the reason and the petitioner cannot be held responsible for the accident.

6.Referring to the Motor Vehicle Inspection Report of the petitioner's motorcycle, learned Senior Counsel submitted that the damages found on the



petitioner's motorcycle were to the front handlebar, front fork, front headlight, rider's seat, indicator, and brake light. The damages found on the motorcycle of the deceased were to the front body, front disc, front portion of the chassis, front wheel, handlebar, and front fork. The nature of the damages to both motorcycles confirms that it was the motorcycle of the deceased is the cause and reason leading to the accident. Had the petitioner is the reason for the accident, the damage to the motorcycle of the deceased will be on the side of the bike and not on the front portions. Equally the damage to the petitioner's bike will be on its sides not to the front portion. Thus, from the statement of solitary eyewitness (LW2) and the Motor Vehicle Inspection Reports, Rough Sketch, and Observation Mahazar confirms accident caused due to the negligence of the deceased by his unauthorised entry in a toll bypass road. The subsequent running over on the deceased by Maruti Swift car was only due to the impact of the accident, caused and contributed by the deceased, for which, the petitioner cannot be strapped with contributory negligence.

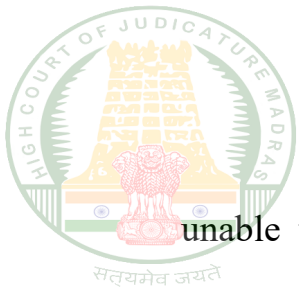
7.Learned Senior Counsel referring to the decision of the Hon'ble Apex Court in *Sushil Ansal v. State through Central Bureau of Investigation* reported in (2014) 6 SCC 173, submitted that the Hon'ble Apex Court dealt in detail with regard to Section 304-A IPC Death due to Accident and considered



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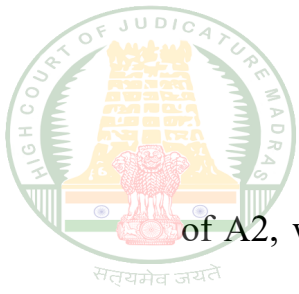
the doctrine of *causa causans* by referring to various decisions of the Privy Council and the Hon'ble Apex Court and held that to impose criminal liability under Section 304-A IPC it is necessary the act should have been the direct result of rash and negligence act of the accused and that act must be proximate and efficient cause and without the introduction of another negligence. It must have been the *causa causans*; it is not enough that it might have been the *causa sine quo non*.

8.Learned Government Advocate (Criminal Side) appearing for the 1st respondent Police submitted that in this case, the deceased was the Head Constable attached to T-15, SRMC Police Station, Chennai. On 04.08.2024, he was assigned patrolling duty between 07.00 a.m. and 01.00 p.m. around Porur. While he was on duty, he was proceeding from north to south on the Tambaram–Puzhal Bypass Road. Near the Porur Lake dam, at about 10.45 a.m., the deceased took U-turn to proceed from south to north. At that time, the petitioner, who was riding a Kawasaki Ninja motorcycle at high speed, came in a rash and negligent manner, unable to control his motorcycle, dashed against the motorcycle of the deceased. The impact was so severe that the deceased was thrown several feet away from his motorcycle. Thereby, the car driven by A2, which was coming from behind in a rash and negligent manner,



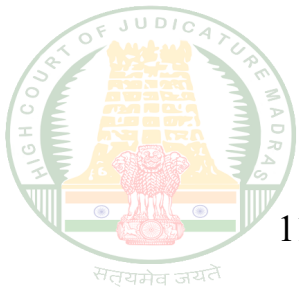
unable to control the car, ran over the deceased. The deceased sustained multiple injuries to his head, face and legs, besides fractures, and died on the spot. The petitioner was also thrown away from the motorcycle and sustained grievous injuries and he was sent to Kilpauk Medical College and Hospital, Chennai, by ambulance. The body of the deceased taken to SRMC Hospital, where inquest conducted. The respondent Police visited the scene of occurrence, prepared Observation Mahazar and Rough Sketch in presence of witnesses, and sent the body for postmortem examination. The Postmortem Doctor opined that the deceased appeared to have died due to haemorrhage and shock as a result of multiple injuries sustained. The postmortem further revealed multiple injuries and abrasions all over the body, besides several fractures.

9.He further submitted that, in this case, LW1 is the wife of the deceased, who lodged the complaint on coming to know about the accident. LW2 is an eyewitness, who was riding in his motorcycle behind the petitioner and saw the accident. LW2 confirms that the petitioner was riding his motorcycle at high speed in rash and negligent manner and the petitioner is the reason for the accident. LW3 and LW4 are witnesses to Observation Mahazar and Rough Sketch. LW5 is the father of the petitioner, and LW6 is the father



of A2, who confirmed that the petitioner and A2 were riding the motorcycle and the car, respectively, involved in the accident. LW7 and LW8 are the inquest witnesses. LW9 is the Doctor who treated the petitioner at Kilpauk Medical College and Hospital, Chennai. LW10 is the Doctor attached to Vihaa Hospital, Chennai, who further treated the petitioner. LW11 is the Postortem Doctor. LW12 is the Motor Vehicle Inspector who examined the car driven by A2. LW13 is the Motor Vehicle Inspector who examined the motorcycles of both the petitioner and the deceased. On completion of the investigation, the respondent Police filed charge sheet. It was further submitted that but for the rash and negligent riding of the petitioner and due to the impact caused by his motorcycle dashing with the motorcycle of the deceased, the accident could not have taken place.

10.He fairly submitted that the Observation Mahazar and Rough Sketch shows the that deceased was proceeding from north to south and took U-turn near the Porur Lake dam through broken median. He further submitted that the petitioner sustained grievous injuries in the accident to his right forearm, left forearm, right hand, and right foot, K-wires, plates, and screws fixed and he was taken treatment for more than 1 1/2 months as inpatient. But for the impact of the petitioner, the accident could have been avoided.



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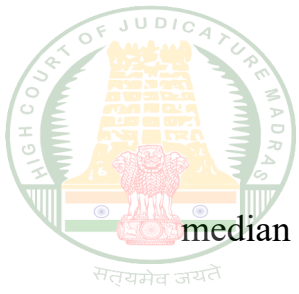
11.Learned counsel for the 2nd respondent strongly opposed the quash petition and submitted that the 2nd respondent's husband/deceased was a Police personnel and on 04.08.2024, the deceased was assigned patrolling duty around Porur. While he was on duty, he was proceeding from north to south on Tambaram-Puzhal bypass road. Near Porur lake dam, at about 10.45 a.m., the deceased took U-Turn to proceed from south to north. At that time, the petitioner riding a Kawasaki Ninja motorcycle at high speed, came in a rash and negligent manner, unable to control his motorcycle, dashed the bike of the deceased. Due to which, the deceased was thrown away to the middle of the road and the car which was following the petitioner had ran over him and he died on the spot. In this case, LW2 is the eyewitness, who was following the bike of the petitioner, gave statement that the accident occurred due to the rash and negligence of the petitioner. Added to it, the Postmortem Doctor also confirmed the reason and cause of the death. He further submitted that the points raised by the petitioner are factual which cannot be decided in this quash petition and the petitioner has to necessarily face the trial. Hence, the petition to be dismissed.

12.Considering the submissions and on perusal of the materials, it is seen that in this case, the sole eyewitness to the accident is LW2, who was



riding his motorcycle following the petitioner. The petitioner was riding his Kawasaki Ninja motorcycle and was proceeding from south to north on Tambaram–Puzhal Bypass Road which is a toll road sufficiently broad with three carriageway on either side with wide division. When the petitioner reached near the Porur Lake dam, the deceased, who was riding his motorcycle from north to south, took U-turn through the broken median, which was an unauthorised entry. From the Observation Mahazar, it is seen that the median dividing both sides is about 10 feet wide and the road on either side is 35 feet wide. It is a bypass road, and the 10 feet wide median provided to have a clear division of road and to prevent obstructions to the travellers on the either side. There has been unauthorised opening made by breaking the median through which the deceased entered the other side of the road. Such entry was sudden and made without concern and due regard to the movement of traffic on the bypass road which is confirmed by the damages of vehicles recorded in the Motor Vehicle Inspection Reports.

13.The Motor Vehicle Inspection Report of TVS Jupiter of the deceased confirms that the damages are all on the front portion of the vehicle confirming the deceased entered the road suddenly without waiting and also confirming the movement of vehicle on the opposite side. The deceased was inside the



median area not visible. Had the deceased already entered the road and visible

to the petitioner, the impact will be ordinarily on the sides of the two-wheelers and not to the front portions. Added to this, the 10 feet wide median planted with shrubs and bushes to reduce dust, noise, and the glare of headlights from the opposite road. Hence, a sudden entry in an unauthorised point by the deceased caused the impact on the two wheeler of the petitioner. In fact, the petitioner was thrown away from his motorcycle and sustained grievous injuries. The Accident Register issued by LW9, the Casualty Doctor at Kilpauk Medical College and Hospital, Chennai confirms multiple abrasions, nasal bleeding, abdominal pain, chest pain, swelling of both forearms, injury to the index finger, abrasions over the palms, and multiple abrasions all over the body. The Discharge Summary issued by Vihaa Hospital, Chennai confirms that the petitioner took treatment as inpatient from 04.08.2024 to 27.09.2024, and he underwent multiple surgical procedures. Plates, screws, and K-wires implanted for the fixation and restoration of the fractured bones. Even thereafter, still the petitioner is under medication and physiotherapy treatment.

14.The petitioner was fortunate that he was not thrown far away to his left. Had it be so, he would also been run over. Due to the impact of the collision, the deceased was thrown further to adjacent lane and Maruti car

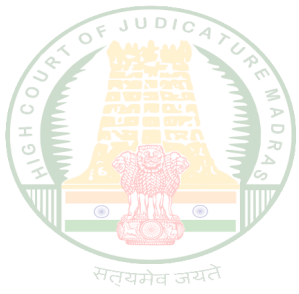


came from behind ran over him. Thus, the death occurred due to run over by the Maruti car, and the petitioner is a victim of the accident and grievously injured.

15.From the above, it is clear that the accident was not the direct result of any rash or negligent act on the part of the petitioner and he was not the immediate or proximate cause of the accident. On the other hand, the accident occurred due to the intervention and negligence of the deceased. Hence, the petitioner cannot be held to be the immediate or proximate cause of the accident. It would be apposite to extract the paragraph No.80 to 82 of the decision of the Hon'ble Apex Court in the case of **Sushil Ansal** (cited above):

“(v) Doctrine of causa causans

80. *We may now advert to the second and an equally, if not, more important dimension of the offence punishable under Section 304-A IPC viz. that the act of the accused must be the proximate, immediate or efficient cause of the death of the victim without the intervention of any other person's negligence. This aspect of the legal requirement is also settled by a long line of decisions of the courts in this country. We may at the outset refer to a Division Bench decision of the High Court of Bombay in Emperor v. Omkar Rampratap [(1902) 4 Bom LR 679] where Sir Lawrence Jenkins speaking for the Court summed up the legal position in the following words:*

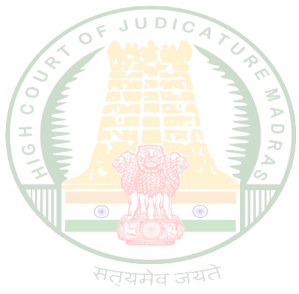


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“... to impose criminal liability under Section 304-A of the Penal Code, 1860, it is necessary that the act should have been the direct result of a rash and negligent act of the accused and that act must be proximate and efficient cause without the intervention of another negligence. It must have been the causa causans; it is not enough that it may have been the causa sine qua non.”

The above statement of law was accepted by this Court in Kurban Hussein Mohamedalli Rangawalla v. State of Maharashtra [Kurban Hussein Mohamedalli Rangawalla v. State of Maharashtra, AIR 1965 SC 1616 : (1965) 2 Cri LJ 550 : (1965) 2 SCR 622] . We shall refer to the facts of this case a little later especially because Mr Jethmalani, learned counsel for the appellant Sushil Ansal, placed heavy reliance upon the view this Court has taken in the fact situation of that case.

81. Suffice it to say that this Court has in Kurban Hussein case [Kurban Hussein Mohamedalli Rangawalla v. State of Maharashtra, AIR 1965 SC 1616 : (1965) 2 Cri LJ 550 : (1965) 2 SCR 622] accepted in unequivocal terms the correctness of the proposition that criminal liability under Section 304-A IPC shall arise only if the prosecution proves that the death of the victim was the result of a rash or negligent act of the accused and that such act was the proximate and efficient cause without the intervention of another person's negligence. A subsequent decision of this Court in Suleman Rahiman Mulani v. State of Maharashtra [Suleman Rahiman Mulani v. State of Maharashtra, AIR 1968 SC 829 : 1968 Cri LJ 1013] has once



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again approved the view taken in *Omkar Rampratap* case [(1902) 4 Bom LR 679] that the act of the accused must be proved to be the *causa causans* and not simply a *causa sine qua non* for the death of the victim in a case under Section 304-A IPC. To the same effect are the decisions of this Court in *Rustom Sherior Irani v. State of Maharashtra* [*Rustom Sherior Irani v. State of Maharashtra*, 1969 ACJ 70 (SC)] , *Bhalchandra v. State of Maharashtra* [*Bhalchandra v. State of Maharashtra*, AIR 1968 SC 1319 : (1968) 3 SCR 766 : 1968 Cri LJ 1501] , *Kishan Chand v. State of Haryana* [(1970) 3 SCC 904] , *S.N. Hussain v. State of A.P.* [*S.N. Hussain v. State of A.P.*, (1972) 3 SCC 18 : 1972 SCC (Cri) 254] , *Ambalal D. Bhatt v. State of Gujarat* [(1972) 3 SCC 525 : 1972 SCC (Cri) 618] and *Jacob Mathew case* [*Jacob Mathew v. State of Punjab*, (2005) 6 SCC 1 : 2005 SCC (Cri) 1369] .

82. To sum up: for an offence under Section 304-A to be proved it is not only necessary to establish that the accused was either rash or grossly negligent but also that such rashness or gross negligence was the *causa causans* that resulted in the death of the victim.”

16.From the above decision, it is clear that the act of the accused must be the proximate, immediate or efficient cause of the death of the victim without the intervention of any other person's negligence. But in this case, the deceased took U-Turn using broken median/an unauthorised entry, entered the



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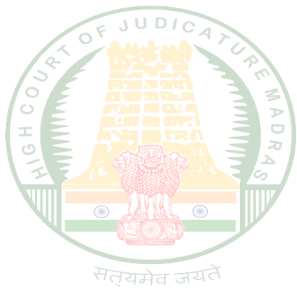
opposite side of the bypass road suddenly. The toll bypass road is meant for smooth and seamless traffic movement, and such entry through an unauthorised opening is prohibited. However, the deceased made such entry and collided with the petitioner's motorcycle, as a result of which the petitioner sustained grievous injuries. Due to the impact of the collision, the deceased was thrown further onto the adjacent lane, where he was run over. Hence, the petitioner is not the immediate or proximate cause for the accident and death of the deceased.

17.In view of the above, this Court is inclined to quash the proceedings against the petitioner.

18.Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.476 of 2024 on the file of the Judicial Magistrate No.I, Poonamallee is quashed as regards the petitioner/A1 alone. Consequently, connected Criminal Miscellaneous Petition is closed.

14.07.2026

Speaking order/Non-speaking order
Index: Yes/No
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

vv2

To

- 1.The Judicial Magistrate No.I,
Poonamallee.
- 2.The Inspector of Police,
Avadi TIW Police Station,
Chennai.
- 3.The Public Prosecutor,
Madras High Court.

PRE-DELIVERY ORDER IN
Crl.O.P.No.23492 of 2025

14.07.2026