

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.22305 of 2015

and M.P.Nos.1 and 2 of 2015

S.Hariharan

.. Petitioner

Vs

The State rep by
The Inspector of Police
Kuthalam Police Station
Kuthalam,
Nagapattinam District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the final report filed by the respondent in C.C.No.251 of 2013 on the file of the 1st Judicial Magistrate Court, Mayiladuthurai, Nagapattinam District, inasmuch the petitioner is concerned.

For Petitioner : Mr.C.S.Loganathan

For Respondent : Mr.C.Emalias, Addl.Public Prosecutor

ORDER

This petition has been filed to to call for the records and quash the final report filed by the respondent in C.C.No.251 of 2013 on the file of the 1st Judicial Magistrate Court, Mayiladuthurai, Nagapattinam District, inasmuch the petitioner is concerned.

2. It is seen that this petitioner is facing a prosecution for an offence under Section 304(A) in respect of a road accident that allegedly took place on 31.10.2013.

3. Learned counsel for the petitioner submitted that the deceased was in a state of intoxication. In support of his contention, he relied upon a reply that is said to have been received under the Right to Information Act. This Court perused the reply dated 18.04.2015, wherein it is stated that, the mouth of the deceased was having alcohol odour. In the considered opinion of this Court, this reply under the Right to Information Act cannot be a good reason to quash the prosecution, inasmuch as the questions of fact cannot be determined in a petition under Section 482 Cr.P.C. Learned counsel for the petitioner submits that the petitioner is working abroad and the case is pending since 2013, on account of which his job prospects are spoiled.

4. Taking that into consideration, this Court directs the trial Court to complete the trial within a period of three months from the date of receipt of a copy of this order, provided the petitioner co-operates in the trial for cross examining the witnesses on the date the chief examination is held.

With the above direction, this petition is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gms

To

- 1.The Inspector of Police
Kuthalam Police Station
Kuthalam,Nagapattinam District.
- 2.Judicial Magistrate-1,
Mayiladuthurai, Nagapattinam District.
- 3.Thro The Chief Judicial Magistrate,
Mayiladuthurai.
- 4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.C.S.Loganathan, Advocate, sr.48499

Cr1.O.P.No.22305 of 2015

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