

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No. 27280 of 2011 & M.P. No.1 of 2011

K. Balaji

Petitioner

vs.

The Inspector of Police
D-1, Tiruttani Police Station
Thiruvallur District

Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, seeking to call for the FIR in Cr. No.436 of 2011 on the file of the Inspector of Police, D-1, Tiruttani Police Station, Thiruvallur District, pending investigation and quash the same.

For petitioner Mr. R. Govindasamy
For respondent Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the FIR in Cr. No.436 of 2011 on the file of the Inspector of Police, D-1, Tiruttani Police Station, Thiruvallur District, pending investigation and quash the same.

2 On the complaint lodged by one Parthasarathy, the respondent police registered a case in Cr. No.436 of 2011 on 28.05.2011 under Sections 279 and 337 IPC against the petitioner herein, challenging which, the petitioner has filed this Criminal Original Petition.

3 On a reading of the FIR, it is seen that the de facto complainant has alleged that on 27.05.2011, he was on the wheels of his car bearing Registration No.TN 21 AF 2956 and was proceeding with his family to Kancheepuram. When he was waiting in the Ponpadi Check Post around 10 p.m., a lorry bearing Registration No.TN 24 U 2835 started moving suo motu even without its driver as the driver had failed to apply the hand

brake, on account of which, the lorry hit the de facto complainant's car, resulting in damage to the said car. Hence, the FIR.

4 It is the contention of the petitioner that he is innocent and that he cannot be made liable.

5 The fact remains that the petitioner had negligently parked the lorry without applying hand brake and that had resulted in the accident. Since there are prima facie materials in the complaint given by the de facto complainant, the FIR cannot be quashed at the threshold, in the light of the law laid down by the Supreme Court in State of Haryana and others vs. Bhajan Lal and others [1992 Supp. (1) SCC 335].

In view of the foregoing discussion, this Criminal Original Petition is dismissed as being devoid of merits. Connected M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Inspector of Police
D-1, Tiruttani Police Station, Thiruvallur District
- 2 The Public Prosecutor
High Court of Madras, Chennai 600 104

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md(28/12/2016)

CrI.O.P. No. 27280 of 2011

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