

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.21071 of 2016

and Crl.M.P.Nos.9760 and 9761 of 2016

Murugavel

...Petitioner

Vs

State rep by
The Inspector of Police
Kiliyanoor Police Station
Kiliyanoor,
Villupuram District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the proceedings in C.C.No.76 of 2015 pending on the file of the District Munsif-cum-Judicial Magistrate, Vanur.

For Petitioner : Mr.N.R.Elango

Senior Counsel
for Mr.K.Surendar

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records and quash the proceedings in C.C.No.76 of 2015 pending on the file of the District Munsif-cum-Judicial Magistrate, Vanur.

2. Heard the learned Senior Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3.A very unfortunate accident had taken place on 28.06.2015 around 15.00 hours, in which the petitioner's wife and mother lost their lives and a case in Cr.No.429 of 2015 against the petitioner for offences u/s 279, 338 and 304(A) [2 counts] IPC was registered and after completing the investigation, the police have filed a Final Report in C.C.No.76 of 2015 before the District Munsif-cum-Judicial Magistrate, Vanur for offences u/s 279, 338 and 304-A IPC, challenging which the petitioner is before this Court.

4. Mr.N.R.Elango, learned Senior Counsel for the petitioner submitted that the petitioner was coming from Puducherry to Chennai by his Maruthi Swift car and the other occupants in the car were the members of his family, including his wife and mother. While en route, a dog darted across the route and in order to avoid hitting the dog, the petitioner who was on the wheels swerved the car, on account of which the car turned turtle, resulting in the death of his wife and mother and injury to others, including the petitioner.

5. Learned Additional Public Prosecutor fairly conceded that the facts of this case do not warrant prosecution.

6. On a reading of the Final Report, the police have themselves fairly stated that a dog had crossed the road and in order to avoid hitting the dog, the petitioner swerved the car, resulting in the accident. This Court does not find any negligence on the part of the petitioner warranting prosecution for the aforesaid offences.

Accordingly, this petition is allowed and the prosecution in C.C.No.76 of 2015 on the file of the District Munsif-cum-Judicial Magistrate, Vanur is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police
Kiliyanoor Police Station
Kiliyanoor,
Villupuram District.

2.The District Munsif-cum-Judicial Magistrate,
Vanur.

3.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.K.Surendar,advocate,sr.52973.

Ppa (co)
krd 24/10

Cr1.O.P.No.21071 of 2016