



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

CrI.O.P.(MD) No.11033 of 2017
and
CrI.M.P(MD) Nos.7530 & 7531 of 2017

Senniyappan ... Petitioner/Sole Accused

-Vs-

1. The Inspector of Police,
Thuraiyur Police Station,
Trichy. ... 1st Respondent/Complainant

2. Periyasamy ... 2nd Respondent
/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the C.C.No.132 of 2017 on the file of the Judicial Magistrate Court, Thuraiyur and quash the same as illegal.

For Petitioner : Mr.K.Sivabalan

For R-1 : Mr.K.Anbarasan,
Government Advocate(CrI.side).

O R D E R

This Criminal Original petition has been filed to call for the records relating to the C.C.No.132 of 2017, on the file of the Judicial Magistrate Court, Thuraiyur and to quash the same.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the first respondent.

3.The case of the petitioner is that the petitioner was riding only TVS XL Super vehicle bearing register No. TN48 B4161 from Thuraiyur to Aathur Road on 17.09.2016 at about 06.30 AM, an accident occurred and as a result the second respondent's elder brother sustained injuries. Since the injured person died subsequently while taking treatment in the hospital, a case was registered in Cr.No.265 of 2016 for the offences punishable under Sections 279 and 304(A) IPC. It is stated that the accident has not



occurred because of any mistake or offence committed by the petitioner.

4.The above Criminal Original Petition is filed to quash the charge sheet. Taking into consideration the facts recorded in the charge sheet and the statement obtained from the investigation officer and others in connection with the accident, the petitioner was charged for rash and negligence driving at the time of accident. This Court is not inclined to quash the charge sheet, based on the *ipse dixit* of the accused. Whether the petitioner has committed any offence can be decided only at the time of trial. To support the case of petitioner, no materials are available on record and no evidence. In view of the matter, this Criminal Original Petition is dismissed.

5.However, considering the age of the petitioner and the nature of the offence alleged against the petitioner, the presence of the petitioner is dispensed with unless or until the same is required by a specific order of the Court. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Thuraiyur Police Station,
Trichy.
- 2.The Judicial Magistrate,
Thuraiyur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to MR.K.SIVABALAN, Advocate SR.No.29093

Cmr/Is
AE/KP/SAR1/15.09.2017/2P/5C

Crl.O.P. (MD) No.11033 of 2017
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