



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WEB COPY

Crl.O.P.(MD).No.1539 of 2014
and
M.P(MD).Nos.1 and 2 of 2014

Vasanthakumar

..Petitioner

Vs.

The Inspector of Police,
Palayakmottai Police Station,
Tirunelveli District
crime No.1126/2009

..Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pending in C.C.No.30 of 2011 on the file of Judicial Magistrate No.1, Tirunelveli and quash the same as far as the petitioner/A3 is concerned.

For Petitioner : Mr.Fazil Kirmani representing
counsel

For Respondent : Mr.M.Asokan, G.A. (Crl. Side)

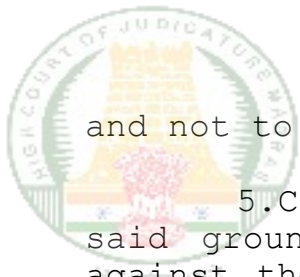
O R D E R

This quash petition is filed to quash the criminal proceedings in C.C.No.30 of 2011 on the file of the Judicial Magistrate No.1, Tirunelveli, having been taken cognizance for the offence under Section 304 A of I.P.C., in which, the petitioner is arraigned as A3.

2.The learned representing counsel appearing for the petitioner would submit that the original counsel on record Mr.L.Plato Aristatil is no more and reported no instructions.

3.The learned Government Advocate (criminal side) submitted that in this case, trial has been commenced and the prosecution has examined P.Ws.1 to 17 as prosecution witnesses and yet to examine L.Ws.14, 16 and 17 and also the investigating officer as prosecution witnesses.

4.The only ground raised in this quash petition is that the petitioner is only the life guard in the Swimming pool and he is not the coach for the students, who are coming for swimming. The assignment to give training to the young boys was given to the Coach



and not to the petitioner.

5. Considering the said ground, this Court is of the view the said ground is not sufficient to quash the criminal proceedings against the petitioner and except the said ground, no other ground has been raised by the petitioner. The said ground has to be gone into in a full fledged trial. Moreover, as submitted by the learned Additional Public Prosecutor, already trial has been commenced and now, the prosecution has examined P.Ws.1 to 17 and the remaining witnesses are yet to be examined. Therefore, this Court is not inclined to entertain this criminal original petition.

6. Accordingly, this criminal original petition is dismissed with the liberty to the petitioner to raise all the grounds before the trial Court. Consequently, connected miscellaneous petition is also dismissed.

Sd/
Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The Judicial Magistrate No.I,
Tirunelveli.
2. The Chief Judicial Magistrate,
Tirunelveli.
3. The Inspector of Police,
Palayakmottai Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) .No.1539 of 2014
and
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KK/SKN/SAR-1/04.10.2018/2P-5C