

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:08.01.2019

CORAM:
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.532 of 2019
and
Crl.MP.Nos.368 & 369 of 2019

S.Srinivasa Raghavan ... Petitioner/Sole Accused
Vs.

State Represented by,
The Inspector of Police,
Ramanatham Police Station,
Cuddalore.

...Respondent

Prayer: Criminal Original petition filed under Section 482 of the Criminal Procedure Code, to call for the records pursuant to C.C.No.159 of 2017, pending on the file of the learned District Munsif Cum Judicial Magistrate, Tittagudi and quash the same.

For Petitioner : Mr.D.Kamatchi

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the proceedings in C.C.No.159 of 2017, pending on the file of the District Munsif-cum -Judicial Magistrate, Thittakudi.

2. The petitioner is the sole accused, who is facing the charges under Sections 279, 337 and 304 (A) of IPC.

3. The case of the prosecution is that the petitioner was driving a car on 20.08.2016 and in that car, his mother and sister were also travelling along with petitioner. The petitioner was driving in a rash and negligent manner and therefore, the vehicle had hit the Central median on the road and as a result of the same, a serious accident happened, resulting in the death of sister and mother of this petitioner. The petitioner had called his cousin brother Mr.Rangarajan and informed him about the accident and asked him to give a complaint to the respondent Police. Based on the complaint given by the said Rangarajan, the respondent Police had proceeded to register an FIR in Crime No.246 of 2016 for the offence under Sections 279,337 and 304(A) of IPC.

4. On completion of the investigation, the final report has been filed by the respondent Police and the same has been taken on file by the Court below for an offence under Sections 279 and 304(A) of IPC.

5. The allegations made in the final report as well as the statement of the witness, does not establish the fact that the petitioner drove the vehicle in a rash and negligent manner. Unfortunately, in this case, the petitioner lost his mother and sister and the petitioner was fair enough to call his cousin brother and asked him to give a complaint in order to inform the police about the accident. This complaint has now been put against the petitioner and the petitioner has been made to face the proceedings before the Court below. The continuation of the proceedings against the petitioner is an abuse of process of Court and the same requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. In the result, the proceedings in C.C.No.159 of 2017 on the file of the District Munsif-cum-Judicial Magistrate is hereby quashed. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

klt/kal

To

1.The District Munsif cum Judicial Magistrate,
Thittagudi.

2.The Inspector of Police,
Ramanatham Police Station,
Cuddalore.

3.The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.D.Kamachi, Advocate, S.R.No.2281

CrI.OP.No.532 of 2019
and

CrI.MP.Nos.368 & 369 of 2019

SJ(CO)

RRS (30/01/2019)