

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7312 of 2019 and
Crl.M.P.No.4034 of 2019

Mr.S.Murugesan ... Petitioner/2nd Accused

Vs.

1.The State-represented by
The Inspector of Police,
TIW Pondy Bazar Police Station,
Chennai. ...1st Respondent/Complainant

2.Mr.B.Prem Kumar ...2nd Respondent/defacto Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records and to pass suitable orders quashing the F.I.R and all further proceedings in Crime No.409 of 2018 pending investigation on the file of the 1st respondent herein.

For Petitioner : Mr.G.Prabhakaran
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the FIR in Crime No.409 of 2018 on the file of the first respondent police, for offences under Sections 279, 337 and 308 of IPC and also 180, 181(3), 182, 183,184 and 177 of Motor Vehicles Act, 1988, as against the petitioner.

2. It is seen that the petitioner is the owner of the vehicle. The allegation itself is that the petitioner permitted an unauthorized person to drive the vehicle, who did not possess any driving license and also a minor. The crux of the allegation in Crime No.409 of 2018 is that on 12.12.2018, at about 7.30 a.m., while the 2nd respondent was proceeding in his bicycle near sterling road signal in Nungambakam, a water tanker lorry bearing registration No.TN 18-AJ 0013 was driven in a rash and negligent manner and dashed him. He fell down and sustained scratch injuries. It is further alleged that the lorry was found to be driven by an under aged person without uniform and

the lorry was intercepted by the traffic police. On enquiry, it was found that the driver of the vehicle is only about 16 years and he had driven the vehicle without any valid driving licence. Therefore, the petitioner being the owner of lorry was called for an enquiry. On enquiry, it was revealed that the owner of lorry knowingly handed over the lorry to the said tender aged person with a knowledge that the same would endanger the lives of the general public. Therefore, a complaint has been registered as against the first accused and the petitioner. It is seen that after enquiry, the petitioner was imposed a fine of Rs.2,100/- for the offence under Section 180 of Motor Vehicles Act by the first respondent. The other offences are not attracted as against the petitioner and all the offences arose as against the first accused viz., the driver of the vehicle.

3. In view of the above, the 1st respondent is directed to delete the name of the petitioner in the F.I.R., in crime No.409 of 2018 and proceed further investigation for the other offences against the first accused alone and file a final report within three months from the date of receipt of copy of this order.

4. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
TIW Pondy Bazar Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.G.Prabhakaran, Advocate sr 26743.

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AD(CO)
SP(25/04/2019)