

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8314 of 2019

and

Crl.M.P.No.4453 of 2019

Manavalan

...Petitioner

Vs.

1.State by
The Inspector of Police
Ulundurpet Police Station
Villupuram District
(Cr.No.1152/2018)

2.Mageswari

... Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of the Crime No.1152 of 2018 on the file of the Inspector of Police, Ulundurpet Police Station, Villupuram District and quash the same.

For Petitioner : Mr.K.P.Chandrasekaran

For Respondent : Mr.C.Raghavan

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to call for the records of the Crime No.1152 of 2018 on the file of the Inspector of Police, Ulundurpet Police Station, Villupuram District and quash the same.

2.The learned Counsel appearing for the petitioner would submit that the petitioner is working in Pudhcuerry Transport Branch. On 17.01.2018 the petitioner was driving the bus bearing Registration No.TN32N3756. The petitioner was driving on the said date from Trichy and while the petitioner was coming towards Villupuram by 14.15 hours one Elumalai was driving his two wheeler in a totally wrong direction and he was not wearing the helmet TN32AZ8610 (Hero Splendor) and he was unable to control the vehicle recklessly with full speed crossed the yellow line and dashed against the petitioner's vehicle. The petitioner was unable to avoid the collision as the said person suddenly crossed the yellow line and came in front of the vehicle. He fell down and died.

3.The learned counsel would further submit that the victim was fully intoxicated and due to the collusion with the bus he died on the spot. This incident luckily recorded in CCTV camera installed in the petrol bunk. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the 1st respondent police registered a case in Crime No.1152 of 2018 for the offences under Sections 279 and 304(A) IPC. Hence he prayed to quash the same.

4.The learned Additional Public Prosecutor would submit that the investigation under almost completed and the respondent police have only to file final report.

5.Heard Mr.K.P.Chandrasekaran, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Additional Public Prosecutor appearing for the 1st respondent.

6.It is seen from the First Information Report that there is a specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7.In view of the above discussion, this Court is not inclined to quash the FIR. However, considering the facts submitted by the learned counsel for the petitioner, the petitioner is hereby directed to produce the CC TV Camera footage to the 1st respondent. The 1st respondent police is hereby directed to collect the CC TV Camera footage and conduct enquiry in Crime No.1152 of 2018 in a proper and fair manner and file a final report within a period of three months from the date of receipt of copy of this Order, before the jurisdictional Magistrate.

8.With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To

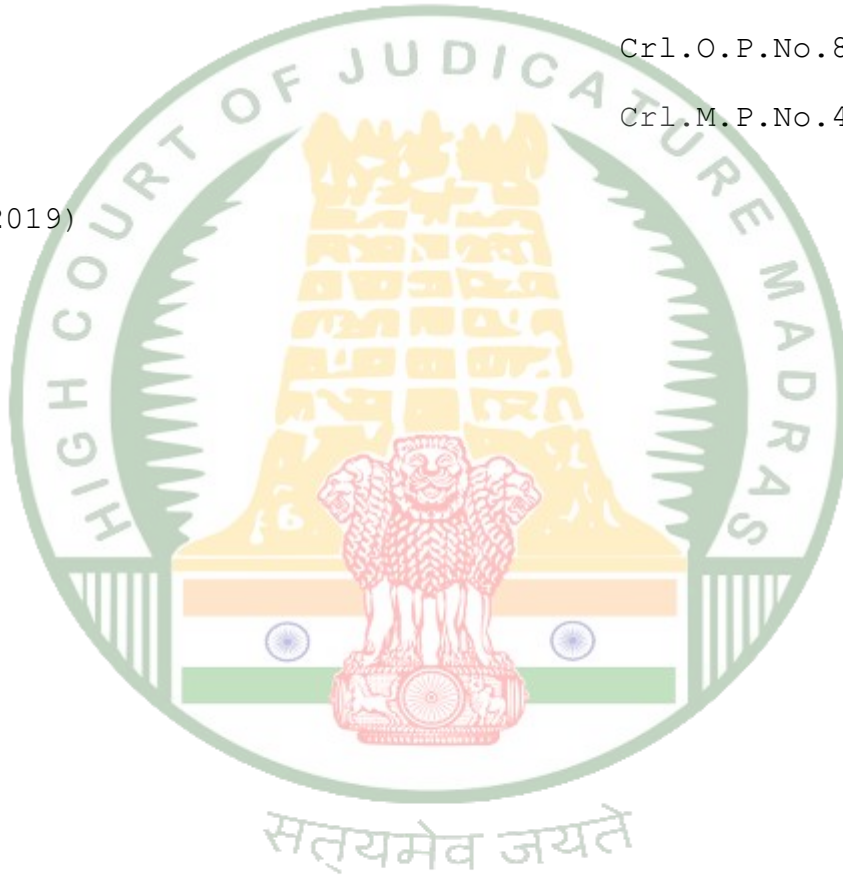
1.The Inspector of Police
Ulundurpet Police Station, Villupuram District

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.P.Chandrasekaran, Advocate, S.R.No. 30966

CrI.O.P.No.8314 of 2019
and
CrI.M.P.No.4453 of 2019

VSN II(CO)
GN(30/04/2019)



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