



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

CrI.O.P.[MD].No.2814 of 2019

and

CrI.M.P.(MD)Nos.1562 & 1563 of 2019

Mohammed Kani

: Petitioner/Sole Accused

Vs.

1.The Inspector of Police,  
Munneerpallam Police Station,  
Tirunelveli District.

:1<sup>st</sup>

Respondent/Complainant

2. R.Krishnamoorthy

: 2<sup>nd</sup> Respondent /  
Defacto complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.370 of 2017 on the file of the learned Judicial Magistrate No.5, Tirunelveli District and quash the same as against the petitioner.

For Petitioner

: Mr.N.Mohideen Basha

For R-1

: Mr.A.P.G.Ohm Chairma Prabhu,  
Government Advocate (Criminal Side)

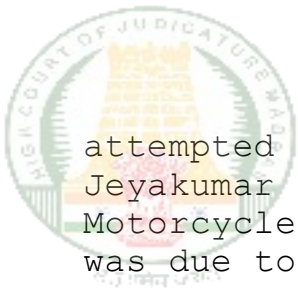
### **O R D E R**

The Criminal Original Petition is filed seeking to quash C.C.No.370 of 2017 on the file of the learned Judicial Magistrate No.5, Tirunelveli District.

2.The allegation in the F.I.R. is that on 25.12.2016, the petitioner was riding his Motorcycle along with a pillion rider from West to East along Tirunelveli to Ambasamudram Road and he is alleged to have rashly and negligently driven his vehicle, as a result of which, collided with another motorcycle coming from opposite direction driven by one Jeyakumar, who is said to be a minor and without any licence ride a two wheeler and another vehicle driven by one Krishnamoorthy. In that accident, Jeyakumar was killed and the petitioner and his pillion rider/Sheik Maideen and one Krishnamoorthy were injured. The offence has since been investigated by the first respondent and he has laid the final report.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioner literally



attempted to recreate the entire accident place as different that Jeyakumar did not possess a valid driving licence to drive the Motorcycle and attempted to create a probability that the accident was due to the negligence of the petitioner.

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4. Heard the learned Government Advocate (criminal side) appearing for the first respondent and perused the final report and the statement of the witnesses.

5. This Court finds *prima facie* case. Couple of the witnesses in their statements stated about specific overt act against the accused, alleging him of rash and negligent driving. Dynamics of no accident can be explained with any decree of accuracy, and an element of visualization by the Court is unavoidable. Much of the arguments focused by the learned counsel for the petitioner is directed towards creating a strong probability of his defence case, but then they invite a finding of fact which can be done only by testing the veracity of the statement of the witnesses made by them to the Investigating Agency under Section 161 Cr.P.C. Suffice it to say that this Court finds that there exists material to frame charges against the accused persons and necessarily they have to stand the trial for the offence for which the charges would be framed.

6. In conclusion, this Court does not find any merit in this petition and the same is dismissed. Since the case is pending from the year 2017, the trial Court is directed to expedite the entire trial process and dispose of the same within a period of six weeks from today. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

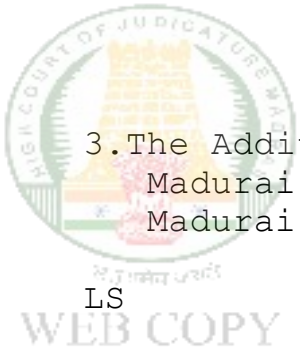
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Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate No.V,  
Tirunelveli District.

2. The Inspector of Police,  
Munneerpallam Police Station,  
Tirunelveli District.



3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

LS

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04.03.2019

KM/ (25.03.2019) 3P 4C