

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.4457 of 2020

and CrI.MP.No.2545 of 2020

Sudhakar
S/o.Narayanasamy,
Jeeva Nagar,
Berikai Road, Belathur,
Krishnagiri District. Petitioner/Accused

Vs.

1. The Inspector of Police,
Bagalur Police Station,
Krishnagiri District,
Cr.No.17 of 2019.1st Respondent/Complainant

2. Arumugam,
S/o. Govindasamy,
Jeeva Nagar, Belathur Post,
Hosur Taluk,
Krishnagiri District.2nd Respondent/Defacto
complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records with respect of Crime No.17 of 2019, pending on the file of the first respondent and quash the same.

For Petitioner : Mr. R.Nalliyappan

For Respondents

For R1 : Mr.S.Karthikeyan
Additional Public Prosecutor.
For R2 : No appearance

O R D E R

This petition has been filed to quash the F.I.R. in Crime No.17 of 2019 on the file of the first respondent police registered for offences under Sections 287 & 304(A) of IPC, as against the petitioner.

2. The learned counsel appearing for the petitioner would submit that on the complaint lodged by the second respondent, the first respondent registered a case in Crime

No.17 of 2020 for the offences punishable under Sections 287 & 304(A) of IPC as against the petitioner. According to the defacto complainant, on 25.01.2019, his son aged about 27 years had taken the tractor belonged to the petitioner and in the course of driving the tractor upward from a pit, he met with an accident due to which his son sustained head injury and died. Further alleged that though the petitioner knew that the deceased had no license to ply the tractor, even then he allowed the deceased to drive the tractor. Hence the complaint. He further submitted that the petitioner's son had driven the tractor in a rash and negligence manner and met with an accident, due to which he sustained very grievous injury on his neck and died. Therefore, the petitioner never committed any act to attract the offence under Section 287 and 304(A) of IPC. The petitioner is being an owner of the tractor, he is no way connected with the alleged occurrence. Therefore, he sought for quashment of the entire proceedings.

3. Per contra, the learned Additional Public prosecution would submit that the petitioner is the owner of the tractor and under his, the deceased was working as driver of the tractor. Though the petitioner knew very well about that the deceased was not having any license to drive the tractor, he was allowed to drive the tractor. Therefore, the first respondent rightly registered the FIR as against the petitioner herein. Therefore, he prayed for dismissal of this petition.

4. Heard Mr.R.Nalliyappan, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the first respondent. Though notice has been served, the second respondent did not appear either in person nor through counsel.

5. The petitioner is the sole accused in Crime No.17 of 2019 registered for the offences under Sections 287 and 304(A) of IPC, on the complaint lodged by the second respondent herein. The second respondent in his complaint alleged that on 25.01.2019, when the deceased was driving the tractor bearing registration No.TN 70 T.2394 belongs to the petitioner herein met with an accident and sustained grievous injury due to which he died. Hence the complaint. Admittedly the vehicle which was involved in this accident owned by the petitioner herein. Except the petitioner owned the said vehicle, even according to the prosecution, he did not commit any act in the accident, which was happened on 25.01.2019. Even according to the defacto complainant, while his son was driving the tractor by himself met with an accident, since from the deep pit had taken full load of sand and while coming out, the tractor upset and fell down due to which, the deceased sustained grievous head injury and died. Though the deceased had no license to drive the tractor, the petitioner is not at all responsible for the accident, which was caused due to rash and negligence driving of the deceased. Therefore, the petitioner

is no way connected with the accident except the relationship of owning the vehicle. There is absolutely no prima facie case made out and no ingredients to make out the offences under Sections 287 and 304(A) of IPC as against the petitioner herein. Hence the present FIR is nothing but clear abuse of processes of law and it cannot be sustained as against the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the F.I.R. in Crime No.17 of 2019 on the file of the first respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Bagalur Police Station,
Krishnagiri District,
2. The Public Prosecutor,
High Court, Madras.

Rji(co)
krd 8/10

CRL.O.P.No.4457 of 2020
and Crl.MP.No. 2545 of 2020

सत्यमेव जयते

WEB COPY