

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P No. 10144 of 2020

and

CrI.M.P.No.4380 of 2020

S.Vipin Chandra Dev,
S/o.R.Somaiyan,
No.10/28, PLS Nagar Phase 2,
Chinniam Palayam,
Sulur, Coimbatore - 641 062. .. Petitioner/Accused

vs.

1.The State,
Rep.by the Inspector of Police,
Traffic Investigation Wing (East),
Coimbatore City,
Coimbatore - 641 062. ...1st Respondent/Complainant

2.Hemalatha,
W/o.Somaiyan,
No.10/28, PLS Nagar Phase,
Chinniam Palayam,
Sulur, Coimbatore - 641 062. ...2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to the C.C.No.531 of 2017 pending on the file of the learned Judicial Magistrate No.VIII, Coimbatore and quash the same.

For Petitioner : Mr. V. Stalin

For Respondents: Mr. S.Karthikeyan

Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner to call for the records relating to the C.C.No.531 of 2017 pending on the file of the learned Judicial Magistrate No.VIII, Coimbatore and quash the same.

2. Learned counsel for the petitioner states that the petitioner along with his mother and sister went in a Hyundai Santro Car, and while traveling to Avinashi Road, a Tata Indica Car bearing Registration Number TN38BZ6577 came in

opposite side in a rash and negligent manner. Due to that impact, the petitioner's sister got serious injury and declared as dead. On the same day, the petitioner's mother gave a complaint against the driver. He further submitted that the respondent police without having any material, named him as an accused which is having serious consequence on the career of the petitioner.

3. The learned Additional Public Prosecutor submitted that after completing the investigation, the first respondent filed a final report before the learned Judicial Magistrate VIII, Coimbatore and the same has been taken cognizance in C.C.No.531 of 2017 and it is pending for trial from the year 2017. Thereafter, the petitioner individually appeared before the trial Court and as such Non-Bailable Warrant is issued against the petitioner and the same is pending. The petitioner without appearing before the trial Court has approached this Court for quashing the proceedings. When the Non-Bailable Warrant is pending against the petitioner, the petitioner is not entitled to any relief for entertaining the petition.

With the above observation, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Traffic Investigation Wing (East),
Coimbatore City,
Coimbatore - 641 062.

2. The Judicial Magistrate No.VIII,
Coimbatore.

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

Nr (co)
krd 18/8

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