

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.18739 of 2014
and M.P.No.1 of 2014

S.Yogesh

..Petitioner

vs

1.The State

Rep. by the Inspector of Police
C-2, Traffic Investigation
Chennai

2.Thirunavakarasu

..Respondents

Prayer: Crl.O.P., filed under Section 482 of Cr.P.C., praying to call for the records in FIR in Crime No.128 of 2014 registered on the file of 1st respondent dated 19.05.2014 for the alleged offences said to have committed under Sections 184 and 185 of the Motor Vehicles Act as well as Sections 308 and 337 of Indian Penal Code and quash the same.

For Petitioner : Mr.Nithyaesh Natraj

For Respondent : Mr.R.Ravichandran,
Govt.Advocate (Criminal Side) for R1
Notice served - no appearance for R2

ORDER

The 1st respondent Police registered a case against the petitioner based on the complaint given by the 2nd respondent in Crime No.128 of 2014 on the file of C2 Traffic Investigation, Chennai. While the investigation was going on, the accused has filed the present petition to quash the FIR.

2. In this case, the petitioner has been arrayed as accused. The learned counsel for the petitioner would submit that procedure under the Motor Vehicles Rules, has not been followed and the petitioner was not sent for blood sample test and therefore, the petitioner has been deprived of his opportunity to undergo blood test. Therefore, the violation of the procedure namely sending the petitioner for blood test which is mandatory procedure has not been followed and therefore, it leads to filing of the present Criminal Original

3. Heard the learned counsel appearing on either side and perused the records.

4. The petitioner has been shown as accused in the complaint in Crime No.128 of 2014. The accident is admitted. Whether the petitioner has committed the offence as alleged in the complaint, will be revealed only after investigation. Further whether the petitioner has violated the procedure contemplated under Motor Vehicle Rules or not, also will be revealed only after investigation. Therefore, considering the facts and circumstances of the case and the allegations levelled against the petitioner, this court is of the view that it is not a fit case to quash the complaint. Accordingly, this court is not inclined to invoke Section 482 Cr.P.C., to quash the FIR.

5. In the result, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Inspector of Police

C-2, Traffic Investigation, Chennai

2.The Public Prosecutor, High Court, Madras - 104.

+1cc to Mr.Nithyaesh K.Vaibhav , Advocate SR.No. 10706

CrI.O.P.No.18739 of 2014

A.SK(04/03/2020)

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