



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD)No. 1074 of 2020

and Crl.M.P.(MD) No. 461 of 2020

WEB COPY

S.Murugesan

... Petitioner/Sole Accused

Vs

1. The Inspector of Police
Mayanoor Police Station
Karur District, Karur

... Respondent No.1/Complainant

2. Subramani

...Respondent No.2/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to First Information Report in Crime No.286 of 2019 dated 15.12.2019 on the file of the respondent No.1 for offence U/s.279, 337, 304(A) of IPC 1860 and quash the same as illegal

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mrs.S.Bharathi
No.1 Government Advocate (crl. Side)

ORDER

This petition has been filed to quash the FIR in Crime No.286 of 2019 on the file of the first respondent police as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged in the impugned FIR. Without any base, the first respondent police registered a case as against the petitioner in Crime No.286 of 2019 for the offences under Sections 279, 337 and 304(A) of IPC. He would further submit that the victim was a minor and he was not eligible to drive the vehicle and that there was also negligence on the part of the victim who has driven the vehicle in violation of the rules. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) would submit that investigation is still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition.



4. Perused the materials available on record.

5. It is seen from the First Information Report that there are specific allegation as against the petitioner, as if the petitioner had driven the vehicle in a rash and negligent manner 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 investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6. In view of the above, this Court is not inclined to quash the FIR in Crime No. 286 of 2019. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further the respondent police shall take into consideration the Amended Motor Vehicle Rules and complete the investigation and file final report before the concerned Court within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Inspector of Police
Mayanoor Police Station
Karur District, Karur

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

+1 CC to MR.T.LAJAPATHI ROY, Advocate (SR-3071[F] dated
27/01/2020)

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