



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.O.P(MD).No.4515 of 2020

WEB COPY

Veerapandian

... Petitioner

Vs

1.The Inspector of Police,
Sedapatti Police Station,
Sedapatti, Madurai District.
(Crime No.140 of 2019)

2.Mahalingam

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in pertaining to the C.C.No.2 of 2020, on the file of the learned Judicial Magistrate, Peraiyur and quash the same as illegal.

For Petitioner : Mr.Vadivelan

For R1 : Mr.A.Robinson
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.2 of 2020, on the file of the learned Judicial Magistrate, Peraiyur.

2.The petitioner is facing trial for the offences under Sections 279 and 304(A) of IPC. The petitioner is said to have driven a two wheeler bearing Regn.No.TN-58-BZ-6276 Bajaj Platinam. On 22.07.2019, at about 04.00 p.m., when the two wheeler hit the deceased Alagammal, who is crossing the road, Alagammal suffered head injury and died after two days.

3.The learned counsel appearing for the petitioner pointed out that the occurrence had taken place on the road bend.

4.On a careful consideration of the materials placed on record and a perusal of the sketch, I am of the view that the petitioner cannot be blamed for the occurrence. Section 304(A) of IPC will be attracted only if the petitioner can be said to have conducted himself in a rash and negligent manner.



5.The de-facto complainant is none other than the son of the deceased. He is not an eye-witness to the occurrence. He is present in person before me. Thiru.Raju, husband of the deceased, Thiru.Ramar, Thiru.Sankar, the other sons of the deceased are also present in person before me. They are identified by their counsel and also Mr.M.Gopalakrishnan, SSI of Police, Sedapatti Police Station. The entire family states that they have no objection for quashing the impugned proceedings. The reason for coming forward to say no objection is that the petitioner/Veerapandian has been selected for Indian Army. I have also found even on merits that the ingredients of the offence, in which, he has been charged, are absent in this case.

6.The learned counsel appearing for the petitioner drew my attention to the order, dated 17.04.2018 made in Crl.O.P.(MD)No.5769 of 2018. That a case also arising under Sections 279 and 304 (A) of IPC. The learned Judge had referred to several earlier decisions of this Court. Respectfully following the aforesaid order, the impugned proceedings stand quashed and the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The Judicial Magistrate, Peraiyur.

2.The Inspector of Police,
Sedapatti Police Station,
Sedapatti, Madurai District.

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

+1 CC to M/s.T.VADIVELAN, Advocate (SR-12132[F] dated 17/03/2020)

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MA (CO)

TR(17.03.2020)2P 5C