



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25.08.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.OP(MD)No.6999 of 2017

M.Nambirajan

: Petitioner

Vs.

1.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
(Crime No.206 of 2016)

2.V.Savarimuthu

: Respondents

Prayer: Criminal Original Petition filed under section 482 of the Criminal Procedure Code, to quash the charge sheet in C.C No.27 of 2017 on the file of learned Judicial Magistrate, Paramakudi

For Petitioner : Mr.C.Gangai Amaran

For 1st Respondent : Mr.R.Anandharaj

Additional Public Prosecutor

For 2nd Respondent : No appearance

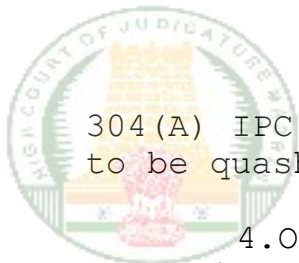
O R D E R

(Thro' VC)

This Criminal Original Petition is filed to quash the charge sheet in C.C No.27 of 2017 on the file of the 1st respondent police.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case without any substantial evidence and uncontroverted allegations have been made in the FIR and the evidence collected in support of the same do not disclose in commission of any offence and a false case has been made out against the petitioner/accused and hence, the FIR and subsequent laying of charge sheet before the trial court itself is illegal and arbitrary and the cause for the death of the brother of the de-facto complainant is not an act of rash and negligent driving by the petitioner as alleged in the complaint and the petitioner having no intention to cause the death of the brother of the de-facto complainant by negligent driving of the bus by the petitioner and it is only due to the fault on the part of the brother of the de-facto complainant, who was not supposed to stand on the foot board of the bus more-fully during the time of driving and this clearly prove that the petitioner has not committed any illegal act and there is no fault on the part of the petitioner and for the fault committed by the Jebastian, the brother of the de-facto complainant, a false allegation has been levelled against the petitioner on the guise of rash driving, which is illegal and arbitrary and the petitioner was forced to apply brake in order to avoid hit by the deceased, who was standing near the entrance of the bus, unfortunately he lost control and fell down from the bus and hence, the act of the petitioner is neither willful nor negligent and hence, the offence under section



304(A) IPC is not made out and prays that the charge sheet is liable to be quashed.

4. On the other hand, the learned Additional Public Prosecutor appearing for the 1st respondent/State submitted that the respondent police conducted fair and thorough investigation and filed the charge sheet against the petitioner and the investigation and the statement of witnesses against the petitioner proved the offence committed by the petitioner and the avements made by the petitioner are to be raised only before the trial court and prays for dismissal of the Criminal Original Petition.

5. The case of the petitioner is that on 19.12.2016, the deceased was returning back to Muthuchellapuram to attend the Christmas function by travelling in a Government bus and when the said bus reached Charakudi, the deceased standing on the foot board of the said bus and due to sudden application of the brake, at that point of time by the petitioner, the deceased fell down, resulting of some injuries and the deceased was taken to the Government Hospital and after few days, he died and the case was registered as against the petitioner.

6. In this case, the petitioner has not given any complaint against the deceased stating that due to his negligent only the accident occurred. Further, he has not sent any petition to the superior official of the police stating that false case was foisted against him. In this case, after registering the case, the Investigating Officer went to the place of occurrence and examined all the material witnesses and filed the charge sheet. Whether the accident had occurred due to the petitioner or due to the deceased can be decided only during the trial by way of examining the witnesses and production of the documents. At this stage, it is to be decided, whether prima facie case is made out or not.

7. On careful perusal of the records, it reveals that the prima facie case is made out as against the petitioner. Hence, it is held that it is not necessary to quash the charge sheet in C.C No.27 of 2017 on the file of the Judicial Magistrate, Paramakudi.

8. In the result, this Criminal Original Petition fails and the same is dismissed. However, the learned Judicial Magistrate, Paramakudi, is directed to dispose of the case in C.C No.27 of 2017 purely on merits and in accordance with law, within a period of six months from the date of a copy of this order.

Sd/-

Assistant Registrar (CSI)

// True Copy //



er

TO

1.The Judicial Magistrate,
Paramakudi.

2.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.

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

+1 CC to M/s.C. GANGAIAMARAN, Advocate (SR-14997[F] dated
26/08/2020)

Cr1.OP (MD) No.6999 of 2017
25.08.2020

KB(17.09.2020) 3P 5C