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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18971 OF 2021

AND

CRL.M.P.NOS.10407 & 10410 OF 2021

Rithvik Nagam

... Petitioner/Accused No.1

Vs

1. The Inspector of Police,
J-3 Guindy Traffic Investigation Wing,
Chennai-32.

... 1st Respondent/Complainant

2. K.Sasikumar

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with C.C.No.515 of 2020 on the file of the Learned Judicial Magistrate, Alandur and quash the same.

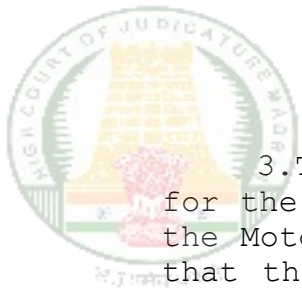
For Petitioner : Mr.S.Jeyakumar

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in connection with C.C.No.515 of 2020 on the file of the Learned Judicial Magistrate, Alandur and quash the same.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.



3.The petitioner/A1 in C.C.No.515 of 2020 is facing trial for the offences under Section 279, 337 I.P.C and Section 196 of the Motor Vehicles Act, 1988. The grievance of the petitioner is that the petitioner has been falsely implicated in the accident which occurred due to the rash and negligent driving of the lorry driven by A2. It is stated that the petitioner was having a blind view and he could not have hit the deceased. It is further stated that in the right side of the road, there was no zebra line for crossing. The deceased in this case has violated the traffic rules and he has contributed for the accident. The petitioner's name is not mentioned by any of the witnesses and hence, on this ground, he seeks for quashing the final report, in C.C.No.515 of 2020 pending before the learned Judicial Magistrate, Alandur.

4.On the contrary, the learned Additional Public Prosecutor submitted that there are eye witnesses and materials against the petitioner, which states that the petitioner herein was responsible for the accident, who had driven the bike, hit the deceased at the first instance and thereafter, the petitioner's bike and the deceased was hit by the lorry. Hence, he would submit that it is a fit case to be dismissed.

5.It is stated by both the counsels that the Lower Court had issued summons to the petitioner and charges were also framed against him. The case is now posted for trial on 10.12.2021. Hence, this Court is of the view that the points raised by the petitioner and the victim can be adjudicated during the stage of trial.

6.At this juncture, the learned counsel for the petitioner intervened and sought permission of this Court to withdraw the Criminal Original Petition.

7.In view of the submission made by the learned counsel for the petitioner, this Criminal Original Petition stands dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

hvk/ata



To

1. The Judicial Magistrate,
Alandur.

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2. -do- through The Chief Judicial Magistrate,
Egmore, Chennai.

3. The Inspector of Police,
J-3 Guindy Traffic Investigation Wing,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.18971 of 2021
and
CRL.M.P.Nos.10407 & 10410 of 2021

CA(CO)
RLP(06/12/2021)