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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.25838 of 2017

and

Crl.M.P.Nos.14890 & 14891 of 2017

Jayaroopan Kumar

... Petitioner

Vs.

State by
The Inspector of Police,
J-3 Guindy Police Station,
Traffic Investigation Team
Chennai.
(Crime No:902/S1/2014)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.344 of 2016 on the file of the Judicial Magistrate Court at Alandur, and quash the same against the petitioner.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the final report in C.C.No.344 of 2016 on the file of the Judicial Magistrate Court at Alandur, filed for the offences under Sections 279, 337 @ 279 & 304-A IPC & 134 (a) & (b) r/w. 177 MV Act.

2.The case of the prosecution is that, on 03.11.2014, at about 11.30 p.m., the accused drove his motor vehicle (Pulsar) in a rash and negligent manner and dashed against the deceased, who was walking on the road, as a result of which, the deceased sustained grievous injuries. The person who was walking along with the deceased also sustained injuries. The deceased was



taken to the hospital, however, despite medical treatment, he succumbed to the injuries on 12.11.2014. After completing the investigation, the prosecution has filed final report against the accused, for the aforesaid offences.

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3.The main contention of the learned counsel for the petitioner is that the entire final report has to be quashed mainly on the ground that the Rough Sketch filed by the prosecution itself indicates that the deceased has crossed the central median and invited the accident. Therefore, the prosecution against the accused is not maintainable.

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

5.It am unable to accept such submission made by the learned counsel for the petitioner. The Rough Sketch filed by the prosecution alone is not a determinative factor to prove or disprove the charges against the accused. Whether or not there was rash and negligent act on the part of the accused, has to be tested in the course of trial with the aid of oral and documentary evidence and it cannot be decided by this Court, while exercising jurisdiction under Section 482 Cr.P.C., merely based on Rough Sketch or Observation Mahazar, etc. It is a matter of evidence, which has to be gone into only by the trial Court. In such view of the matter, I am not inclined to quash the final report at this stage.

6.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7.The trial Court is directed to dispose of the matter as expeditiously as possible. The petitioner is at liberty to raise all his defence before the trial Court.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mkn

To

1. The Judicial Magistrate,
Alandur.



2. The Chief Judicial Magistrate,
Egmore, Chennai.

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

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Jaikumar, Advocate, S.R.No.62455

Cr1.O.P.No.25838 of 2017

KSM[co]
NSK 13/12/2021