



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.18334 of 2017
and
Crl.M.P.Nos.11196 & 11197 of 2017

K.Sounthar

...Petitioner/Sole Accused

Vs.

1. The State rep. By
Kanthili Police Station
Vellore District
Crime No.422 of 2014

..1st Respondent/Complainant

2. Thirunavukkarasu
S/o. Ramasamy

...2nd Respondents/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.36 of 2016 on the file of the learned Judicial Magistrate No.II, Thiruppathur and quash the same.

For Petitioners : Mr.S.C.Munusamy

For Respondent-1 : Mr.R.Kishore Kumar

Government Advocate (Crl.Side)

R2 : No Appearance

O R D E R

(This case has been heard through video conference)

This Criminal Original Petition has been filed to quash the final report registered under Sections 279 and 304(A) of the I.P.C.

2. It is the case of the prosecution that the accused by his negligent act caused the death of the deceased who came in a two wheeler bearing Registration No.TN 24 S 2752.

3. It is the contention of the learned Counsel appearing for the petitioner that though the final report has been filed under Sections 279 and 304(A) of I.P.C, the witnesses examined



by the prosecution does not whisper anything about the accused. The statement of witnesses clearly shows that only a car coming from behind, hit the two wheeler. As a result, the deceased succumbed to the injuries. Therefore continuing prosecution against the petitioner is nothing but clear abuse of process of law.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] appearing for the respondent.

5. Normally this Court will not interfere with the final report when the materials collected by the prosecution prima facie show to proceed with trial. From the materials collected by prosecution, nothing is unearthed or the entire prosecution version is taken as face value would not constitute any offence. Hence, there is no point in continuing the prosecution.

6. The statement of the witnesses recorded by the investigating officer and the final report placed before the Court when perused, all the eye witnesses in an unison voice have stated that a vehicle like a car hit the two wheeler from behind. None of the witnesses including the so called eye witnesses have stated about any rash or negligent act on the part of the accused herein.

7. In view of the fact, when the materials collected by the prosecution were entirely taken as proof, would not constitute an offence, driving the accused to undergo the ordeal of trial is nothing but a futile exercise. Therefore, this Court is of the view that it is a fit case where the inherent powers of this Court can be exercised to quash the final report.

8. Accordingly, this Criminal Original Petition is allowed and the charge sheet filed in C.C.No.36 of 2016 on the file of the Judicial Magistrate No.II, Thirupathur is quashed. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar



To

1. The Judicial Magistrate No.II,
Thiruppathur

2. The Chief Judicial Magistrate
Vellore District.

3. The Sub Inspector of Police
Kanthili Police Station
Vellore District
Crime No.422 of 2014

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.18334 of 2017

VBII(CO)
SP(03/12/2021)