



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.2837 of 2021

and Crl.M.P(MD)Nos.1504 and 1505 of 2021

WEB COPY

Palanivel

... Petitioner/Sole Accused

Vs.

The Inspector of Police,
Thogamalai Police Station,
Karur District.

... Respondents/Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the proceedings in C.C.No.99 of 2020 on the file of the learned Judicial Magistrate No.I, Kulithalai, Karur District and quash the same.

For Petitioner : Mr.B.Rajesh
for Mr.Santhanam Rajeshkumar
For Respondent : Mr.A.Robinson
Government Advocate (Criminal side)

ORDER

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, seeking to quash the proceedings in C.C.No.99 of 2020 on the file of the Judicial Magistrate No.I, Kulithalai, Karur District.

2.The petitioner, who is the sole accused in C.C.No.99 of 2020, is facing trial for the offences punishable under Sections 279, 304A, 201 and 211 of the Indian Penal Code.

3.Mr.B.Rajesh, learned counsel appearing for the petitioner contended that the police without recording the actual statement of the accused, had filed a statement under Section 161(3) of the Code of Criminal Procedure before the Magistrate, contending that the petitioner was a pillion rider in a two-wheeler, which met in the road accident. According to the learned counsel appearing for the petitioner, the petitioner was actually riding the two-wheeler.

4. The contention of the learned counsel for the petitioner cannot be a ground to quash the entire proceedings in C.C.No.99 of 2020 on the file of the learned Judicial Magistrate No.I, Kulithalai, Karur District. Moreover, the petitioner himself had specifically averred in the First Information Report that the deceased was riding the two-wheeler and he was a pillion rider. In the facts and circumstances, I do not find any reason to quash the proceedings in C.C.No.99 of 2020 on the file of the learned Judicial Magistrate No.I, Kulithalai, Karur District.



5. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.I, Kulithalai, Karur District.
- 2.The Inspector of Police,
Thogamalai Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.2837 of 2021

15.03.2021

NA (CO)

KB(24.04.2021) 2P 4C