



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2021

CORAM :

WEB COPY

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CrI.OP.(MD)No.3870 of 2021 &
CrI.MP(MD)Nos.2147 and 2150 of 2021

M.Liyakat Ali ...Petitioner/Accused
vs.

1.The State

The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
Crime No.315 of 2019

2.Nallammal ... Respondents/Defacto Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.79 of 2020 on the file of the learned Judicial Magistrate, Illuppur, Pudukottai District and quash the same.

For Petitioner : Mr.A.Hajamohideen

For R1 : Mr.A.Robinson

Government Advocate (Criminal side)

ORDER

The present petition has been filed seeking to quash the proceedings in C.C.No.79 of 2020 on the file of the learned Judicial Magistrate, Illuppur, Pudukottai District.

2.The main contention of Mr.A.Hajamohideen, learned counsel appearing for the petitioner is that the petitioner has been falsely implicated by the Inspector of Police, Viralimalai Police Station in C.C.No.79 of 2020 on the file of the learned Judicial Magistrate, Illuppur, Pudukottai District and a perusal of the entire final report including the Motor Vehicle Inspector's report would show that the present petitioner was not at all involved in the accident.

3.Mr.A.Robinson, learned Government Advocate (Criminal side), who accepts notice on behalf of the first respondent, on instructions, would contend that the Inspector of Police, Viralimalai Police Station, after concluding proper investigation in Crime No.315 of 2019, filed a final report and the Magistrate has also taken cognizance of the offence.

4.A perusal of the final report shows that the present petitioner *prima facie* has committed the offences punishable under Section 304A of the Indian Penal Code. The contention of



the petitioner that only the deceased Balasankar rode his two-wheeler rashly and negligently and invited the accident cannot be gone into at this stage, since it requires evidence and proof.

5. In the facts and circumstances, I do not find any reason to quash the proceedings in C.C.No.79 of 2020 on the file of the learned Judicial Magistrate, Illuppur, Pudukottai District. While dispensing with the personal appearance of the petitioner is dispensed with, it is also directed that the petitioner should appear before the learned Judicial Magistrate, Illuppur, Pudukottai District, whenever, the Magistrate requires his presence.

6. Accordingly, the present petition is dismissed. Consequently, connected Miscellaneous Petitions in CrI.M.P. (MD) No.2147 of 2021 is closed and CrI.M.P. (MD) No.2150 of 2021 is ordered.

Sd/-

Assistant Registrar (CS-III)

// 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, Illuppur, Pudukottai District.

2. The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

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

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