



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.12833 of 2021

and

Crl.MP(MD)Nos.6594 and 6595 of 2021

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N.Lakshmanan

: Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Government Rajaji Hospital Police Station,
Madurai,
Madurai District.
(Crime No.25 of 2019)

: 1st respondent/Complainant

2.Mr.Manoharan,
SSI of Police,
Government Rajaji Hospital Police Station,
Madurai.

: 2nd Respondent/De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in C.C No.308 of 2020 on the file of the Judicial Magistrate No.II, Madurai and quash the same as against the petitioner.

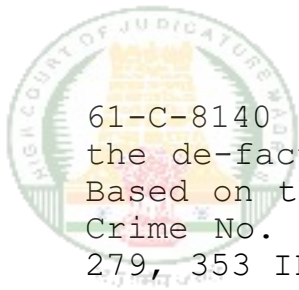
For Petitioner : Mr.R.Selvaraj
For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

O R D E R

The petition is filed seeking in order to quash the final report in CC No.308 of 2020 on the file of the Judicial Magistrate No.II, Madurai.

2.The case of the prosecution is:- the de-facto complainant lodged a complaint setting out the following the facts and circumstances:-

On 24.08.2019 at about 4.45 am, the accused brought his brother for treatment in his Hundai Car TN-61-C-8140 to Government Rajaji Hospital, Madurai. When he was examined by the Doctors, he was declared that he died on the way. On hearing this declaration, some relatives of the deceased gathered, shouted and made a quarrel. On hearing the noise, the de-facto complainant went to the place of occurrence and enquired about that. At that time, the petitioner/accused suddenly took the deceased in his Hundai Car TN-



61-C-8140 and drove the Car in a rash and negligent manner and hit the de-facto complainant. As a result which, he sustained injuries. Based on the complaint given by the de-facto complainant, a case in Crime No. 25 of 2019 was registered for the offence under sections 279, 353 IPC and 187 of Motor Vehicles Act, 1988.

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3.After completion of the investigation, final report was filed before the Judicial Magistrate No.II, Madurai.

4.Seeking quashment of the same, this petition is filed by the petitioner mainly on the ground that none of the allegations mentioned in the final report and none of the ingredients of the offences are attracted against this petitioner. The learned counsel appearing for the petitioner submitted that the petitioner was in disturbed mind, because of the sudden death of his brother and even as per the allegations made in the FIR, no offence under sections 279, 353 IPC and 187 of the Motor Vehicles Act, 1988 are attracted.

5.Heard both sides.

6.It is a simple case of rash and negligent act. Whether the de-facto complainant sustained injuries as set out in the complaint or whether this petitioner was in rash and negligent act in driving the Car at the time of taking the body of his brother, can be a matter for consideration only during the trial, upon appreciation of oral evidence. Simply because, this petitioner was under disturbed mind and mood at the time of occurrence, he cannot justify the action. No doubt, the offence under section 353 IPC is not attracted, but for the offence under section 279 IPC, prima facie materials are available.

7.Absolutely there is no merit in the petition, since the offence has been altered into 279, 353 IPC r/w 187 of the Motor Vehicles Act. As mentioned earlier, whether there was any rash and negligent act on the part of the petitioner, is a matter for consideration during trial. No ground has been made out in this case, except setting out the above factual aspects.

8.So I find no merit in this petition and accordingly, this petition is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

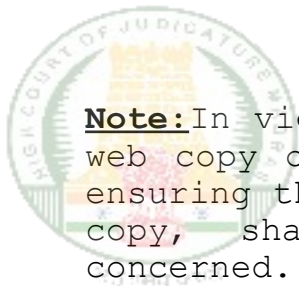
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Sub Assistant Registrar(CS)

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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.

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To

- 1.The Judicial Magistrate No.II,
Madurai.
- 2.The Inspector of Police,
Government Rajaji Hospital Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SELVARAJ, Advocate (SR-30927[F] dated 01/10/2021)

CrI.OP (MD) No.12833 of 2021
29.09.2021

KS (CO) /RS (12.10.2021) 3P 5C