



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19189 of 2021

G.Pazhamalinathan

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.

2.Y.Naveen Prasad

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in the Charge Sheet in C.C.No.72 of 2021 on the file of the learned Judicial Magistrate No.I, Ramanathapuram District and quash the same as against the petitioner.

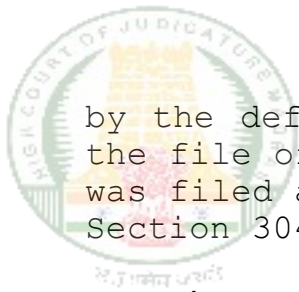
For Petitioner : Mr.R.Senthil Kumar
For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R1.
M/s.M.Mithun for R2

O R D E R

This criminal original petition has been filed to quash the impugned proceedings in C.C.No.72 of 2021 on the file of the learned Judicial Magistrate No.I, Ramanathapuram District.

2.The defacto complainant/Naveen Prasad is present in person before this Court. He has been duly identified by Mr.Manoraj, Grade-I 956, attached to first respondent police station. The defacto complainant has no objection for quashing the impugned proceedings. However, the case on hand cannot be quashed based on the statement of the defacto complainant. This is because it involves the offence under Section 304(A) of IPC.

3.The case of the prosecution is that when the petitioner was riding a two wheeler bearing registration No.TN65 R 2811 on 25.07.2020 at about 06.30 pm in NH210 main road, a cattle darted across the road. The petitioner had to apply sudden brake. The pillion rider/Vanamadevi fell down and suffered head injury and died while being taken to the hospital. Based on the information given



by the defacto complainant, Crime No.220 of 2020 was registered on the file of the first respondent. After investigation, final report was filed against the petitioner and cognizance of the offence under Section 304(A) of IPC was also taken.

4.A reading of the final report and the statement recorded under Section 161 of CrPC indicates that the accident occurred on account of the sudden darting across of a stray cattle in the road. In order to avoid collision, the rider had to apply sudden brake. The deceased was none other than the elder sister of the petitioner. Probably, she was not holding on to the vehicle properly. She lost balance and fell and as a result, the death had taken place. The petitioner cannot be said to have been rash and negligent. The essential ingredients of the offence are absent. The impugned proceedings stand quashed. This criminal original petition is allowed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

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,
Ramanathapuram.
- 2.The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
3. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-37786[F] dated 08/12/2021
Crl.O.P(MD)No.19189 of 2021
08.12.2021

MS (CO)

KB(20.12.2021) 2P 5C

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