



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.6444 of 2022

and

CrI.M.P.No.3609 of 2022

J.Nedunchezhiyan

...Petitioner

-Vs-

1. The State by,
Inspector of Police,
Traffic Investigation Wing,
J3, Guindy Police Station,
Guindy, Chennai - 600 032.

2. M.Javith

..Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records and quash the FIR in Crime No.545 of 2021, on the file of the 1st respondent/complainant, against the petitioner/Accused.

For Petitioner : Mr.V.Ramanareddy.

For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1
No appearance for R2.

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.545 of 2021, on the file of the 1st respondent/complainant, against the petitioner/Accused.

2.The learned counsel for the petitioner would submit that the petitioner is not riding the vehicle in a rash and negligent manner and he would submit that if the CCTV footage is taken into consideration, it is proved that the petitioner is not an accused and thereby he would seek to quash the FIR.

3.The learned Additional Public Prosecutor appearing for the 1st respondent would submit that the petitioner is a Government bus driver. He had driven the bus in a rash and negligent manner and dashed against the victim who had come in the motor cycle



and he was taken to the hospital, originally the case was registered for the offences under Section 279 and 338 of IPC. After five days of hospitalization the victim died, thereafter the case has been altered to offence under section 304(A) IPC. He would submit that the CCTV around the area has been taken into consideration. The investigation is still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for R1 and perused the materials available on record.

5. It is seen from the First Information Report that there are specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6. In view of the above, this Court is not inclined to quash the FIR in Crime No.545 of 2021. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further the respondent is directed to complete the investigation and file final report before the concerned Court within a period of four months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jas/tsh
To

1. The Inspector of Police,
Traffic Investigation Wing,
J3, Guindy Police Station,
Guindy, Chennai - 600 032.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6444 of 2022
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SPD(CO)
RGA(05/04/2022)