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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NO.7094 OF 2019

AND

CRL.M.P.NO.3919 OF 2019

Antony Selva Sabastin

... Petitioner/
Accused

Vs.

1. The State
represented by the Inspector of Police
K-10, Koyambedu Police Station
Chennai 107.

2. Anthony Albert

... Respondents/
Defacto Complainant

PRAYER:

Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to FIR in Crime No.63 on the file of K-10 Police Station, Koyambedu, Chennai-107 against the Petitioner and quash the same.

For Petitioner : Mr.C.P.Sasikumar

For Respondents : Mr.R.Vinothraja for R1
Government Advocate (Crl.Side)

ORDER

This petition had been filed to call for the records pertaining to FIR in Crime No.63 on the file of K-10 Police Station, Koyambedu, Chennai-107 against the Petitioner and quash the same.



2. The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking to quash the FIR in Crime No.63 of 2019 on the file of the Traffic Inspector of Police, Poonamallee.

3. The contention of the learned Counsel for the Petitioner is that the person, who had preferred the complaint, is not a resident of the street. He further invited the attention of this Court to the photographs taken from the videos of the CCTV camera and submitted that there was no accident in that place. Therefore, he seeks to quash the First Information Report alleging that it had been lodged with an ulterior motive.

4. The learned Government Advocate (Crl.Side) vehemently objects to quash the First Information Report stating that at that time of admission this Court granted stay. Therefore, the investigation could not be proceeded with.

5. Considering the submissions of the learned Counsel for the Petitioner and the objection of the learned Government Advocate (Crl.Side), it is found that it is an accident case and hence, the First Information Report is a mandatory procedure. As per the Criminal Procedure Code any person can register an FIR, whether he is related to the injured or victim of the crime is not a matter to be considered. Only after registration of the First Information Report, the Investigating Officer can proceed with the investigation i.e., a mandatory provision, regarding the cognizance offence.

6. In the case on hand, the motorist is alleged to have been injured due to the parking of the vehicle on the wrong side of the Road. The contents of the First Information Report, whether it is true or not can be considered only when the investigation is proceeded first and brought to the logical conclusion, based on the materials gathered by the Investigation Officer. In this case, the Petitioner is the owner of the truck and he has approached this Court, seeking to quash the First Information Report, which is found to be a method to delay the investigation. He had already delayed the investigation for more than three years from the date of the occurrence. If this First Information Report is quashed, the victim of the accident the family members/legal heirs of the deceased will not get the compensation for the injury suffered by the victim or if the victim of accident is dead his/ or her legal heirs will not get compensation from the Motor Accidents Claims Tribunal concerned.



7. In the light of the above discussion this Criminal Original Petition is dismissed as having no merits. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Inspector of Police
K-10, Koyambedu Police Station
Chennai 107.
2. The Public Prosecutor
High Court, Madras.

Crl.O.P.No.7094 of 2019
and
Crl.M.P.No.3919 of 2019

SR(CO)
PM/26/05/2022