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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.8286 of 2022

and

Cr1.M.P.No.4832 of 2022

J.Sandeep Kumar

... Petitioner / Accused

Vs.

1. State Represented by,
The Inspector of Police,
Traffic Investigating Wing Adyar,
Chennai TIW East,
Chennai.

2. Nickesh

... Respondents / Complainant /
Defacto Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in FIR No.520 of 2021 on the file of the 1st respondent dated 28.12.2021 and quash the same as illegal, incompetent, without Jurisdiction and liable to be quashed as in-limni.

For Petitioner : Mr.M.Muruganantham

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to call for the records in FIR No.520 of 2021 on the file of the 1st respondent dated 28.12.2021 and quash the same.

2. Learned counsel appearing for the petitioner would submit that in respect of the offence committed on 28.12.2021, the petitioner had paid fine under the Motor Vehicles Act, 1988 through virtual Court challan No.TN14288211227213652. He would further submit that the subsequent proceedings against the



petitioner for offence under Sections 308 and 337 of IPC and Sections 184 and 185 of Motor Vehicles Act, 1988 would amount to double jeopardy and thereby, he would seek to quash the proceedings in FIR No.520 of 2021.

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3. Learned Additional Public Prosecutor would submit that the investigation is at the initial stage and it is pending. It is the case, where the accused was driving a car under the influence of the alcohol and dashed against the victim, as a result of which, she had sustained injuries. He would further submit that the petitioner was arrested on the same day and released on bail on 11.01.2022.

4. Heard the learned counsel and perused the materials available on record.

5. This Court verified the traffic challan on page No.18 of the type set of papers. It is in respect of the offence committed by the driver of the vehicle on 27.12.2021 at 21:32 Hours. In respect of which, fine has been paid on 19.01.2022. Whereas, the present case is in respect of the offence, which has been committed by the driver of the vehicle bearing registration No.TN 06 C 7002 on 28.12.2021 at 07:30 p.m. Both incidents are different. The petitioner has attempted to play fraud on the Court.

6. 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. Therefore, it cannot be quashed on 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.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No. 520 of 2021. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



rgi/ham

To

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1. The Inspector of Police,
Traffic Investigating Wing Adyar,
Chennai TIW East,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.8286 of 2022
and
Crl.M.P.No.4832 of 2022

RK[co]
NSK 29/04/2022