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Crl.O.P No.16684 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.16684 of 2021
and Crl.M.P. No.9102 of 2021

Arungopal

... Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
Kirumampakam, Puducherry.

2. Shankar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records leading to the registration of the FIR in Cr. No.210/2019 on the file of the respondent police and quash the same.

For Petitioner : Mr.Prakash Adiapadam

For Respondent -1 : Mr.V.Balamugane
Additional Public Prosecutor



ORDER

WEB COPY This Criminal Original Petition is filed to call for the records relating to the FIR in Cr. No.210/2019 on the file of the respondent police and quash the same.

2. The case of the prosecution is that on 26.09.2019, at about 12.15hrs, the petitioner/ accused had driven a vehicle (Nano car) bearing Reg. No.PY-01-BN-7039 on Cuddalore to Puducherry route and when he was nearing Nonangkuppam new bridge from North-South, hit against the two wheeler ridden by the second respondent's father Manikkasamy, who had the mother of the second respondent as a pillion rider.

3. The learned counsel for the petitioner submitted that the petitioner has got nothing to do with the accident; he only helped the injured on seeing the accident and took them to hospital for treatment. His further contention is that if such cases are registered against Good Samaritan like the petitioner, it will discourage good natured persons and no one will come forward to help the injured in the road traffic accidents.



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4. While understanding the concern of the learned counsel for the petitioner, it is also worthwhile to look into the averments of the First Information Report. The complaint has been given by the second respondent / *de facto* complainant on receiving a phone call from a known person. According to the information obtained, the petitioner who took the injured to the hospital was alone driving the Nano Car involved in the accident. After the occurrence, the petitioner had taken the injured to the hospital for treatment without running away from the place of occurrence.

5. Though the action of the petitioner can be appreciated, the fact whether he had played the role of just a volunteer has to be investigated. Because in the complaint it has been clearly stated about the manner in which the accident had taken place. Though it may not be proper on the part of the first respondent police to implicate a person who had already injured in the accident, it will be equally unfair on their part if the real facts behind the accident are not brought to light through proper investigation. The facts now submitted by the petitioner and the averments made in the FIR, cannot be ascertained unless a detailed investigation is allowed to be done.



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6. While dealing with petitions filed under Section 482 Cr.P.C., for quashing the FIR, the Court cannot make any roving enquiry into the facts at the threshold, unless the records on the face of it does not disclose any case in favour of the prosecution.

7. In view of the above stated reasons, this Criminal Original Petition is dismissed. However, the first respondent police is directed to complete the investigation within a period of two months from the date of receipt of a copy of this order and file charge sheet, if any. Consequently connected miscellaneous petition is closed.

26.10.2022

Index : Yes/No
Speaking Order : Yes / No
bkn



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To

1. The Inspector of Police,
Kirumampakam, Puducherry.

2. The Public Prosecutor
Puducherry.



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R.N.MANJULA, J.,

bkn

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