



CRL.O.P.No.20387 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.O.P.No.20387 of 2019

and

Crl.MP.No.10495 of 2019

S.Manikandan

..

Petitioner/Accused

Versus

1.The State rep by
The Inspector of Police,
TIW, Poonamallee.

...

1st Respondent / complainant

2.S.Gopi

...

2nd Respondent /*Defacto*
complainant.

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.732/2019 on the 1st respondent and quash the same.

For Petitioner	:	Mr.R.Ganeshkumar
For Respondent-1	:	Mr.A.Gopinath
		Government Advocate
For Respondent-2	:	No appearance

ORDER

This Criminal original petition has been filed to quash the FIR in Crime No.732 of 2019 on the file of the first respondent police.



2. The petitioner is arrayed as an accused in Cr.NO.732 of 2019 for the offences under Sections 279 & 337 IPC.

3. The case of the prosecution is that on 19.05.2019 a two wheeler bearing registration No.TN 87 A 3520 Royal Enfield motor cycle was driven by the petitioner hit against the Scooty Pep bearing registration No. TN 09 AJ 3589 driven by one Santhakumari coming from behind her. In the said accident, the said Santhakumari has sustained injuries; the complaint was given by one Gopi, who had witnessed the occurrence; on his complaint a case has been registered in the said crime number for the offences under Sections 279 & 337 IPC.

4. The learned counsel for the petitioner submitted that the rider of the Scooty Pep is a lady who has got epilepsy and in view of that she had fallen down and people helped her; but the first respondent police had suppressed the said facts and proceeded to register a case against the petitioner; for the purpose of getting compensation to the injured; the CCTV footage which is available at the place of occurrence was not properly secured and the petitioners were wrongly implicated in this case, though the petitioner had not committed any act of negligence to cause the accident.



WEB COPY

5.The learned Government Advocate for the first respondent police submitted that the second respondent/defacto complainant has clearly given a detailed account of the manner of the accident and that is sufficient to set the law in motion by registering a case for the offences under Sections 279 & 337 IPC; only if the investigation is allowed to go, the real facts behind the accident would come to light; it is not an appropriate case to quash the FIR at the threshold stage.

6.Heard the submissions made by the learned counsel on either side and perused the materials available on record.

7. On the face of the complaint itself a case has been made out for the offences under Sec. 279 & 337 IPC against the petitioner. The witnesses has stated that the petitioner's motor bike was coming behind the Scooty Pep and the Royal Enfield motor cycle dashed against the Scooty Pep; due to the said impact, the rider of the Scooty Pep fell down and sustained injuries. If the CCTV footage which is available in the place of occurrence if secured that can be helpful for the investigation also. But the grievance of the petitioner is that the said CCTV was not secured, though it is an important piece of investigation. But it is the prerogative on the part of the investigation officer



CRL.O.P.No.20387 of 2019

to secure the CCTV footage or to go with the statement of the eye witness who have witnessed the occurrence.

8. Since the investigation is still pending the petitioner cannot expect the Court to quash the FIR by believing the version submitted by the learned counsel for the petitioner about the accident. Even if the accident had actually occurred for the reasons stated by the petitioner the real facts can be found out only if the investigation is allowed to go. At the threshold stage itself, without any proper enquiry, this Court cannot presume facts surrounding the accident. It is not an appropriate case for quashing the proceedings as against the petitioner by invoking the powers of this Court under Sec.482 of Cr.PC.

Accordingly, this Criminal Original Petition stands **dismissed**. Consequently, connected miscellaneous petition is closed.

15.12.2022

Index: Yes/No
jrs



CRL.O.P.No.20387 of 2019

To:

- 1.The Inspector of Police,
TIW, Poonamallee.
- 2.The Public Prosecutor,
High Court, Madras.



WEB COPY



CRL.O.P.No.20387 of 2019

R.N.MANJULA, J.,

jrs

Crl.O.P.No.20387 of 2019
and
Crl.MP.No.10495 of 2019

15.12.2022