



Crl.O.P.No.27910 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.27910 of 2022

and

Crl.M.P.Nos.17151 & 17154 of 2022

1.Krishnamurthy
2.Soundarajan

... Petitioners

Vs.

State rep.by
The Inspector of Police,
Cuddalore New Town Police Station, (Traffic),
Cuddalore District.

... Respondent

Prayer : The Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and to quash the final report in STC No.1170 of 2022 on the file of the learned Judicial Magistrate, No.II, Cuddalore pending disposal of the above criminal original petition.

For Petitioners	...	Mr. S. Elambharathi
For Respondent	...	Mr. S. Santhosh, Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records and to quash the final report in STC No.1170 of 2022 on the file of the learned Judicial Magistrate, No.II, Cuddalore.

2. The learned counsel appearing for the petitioners submitted that when the petitioners were travelling in the two wheeler from Pondycherry to Cuddalore, the respondent police stopped the petitioners' two wheeler, as they were not wearing helmet and imposed fine. It is further submitted that the petitioners paid the fine amount and they are falsely implicated in this case. Hence, seeking to quash the criminal proceedings.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that now the case has been taken on file and summon has been issued for appearance of the accused and the case is still pending before the Court below.



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4. I have considered the rival submissions and perused the records.

5. On perusal of the records, it is revealed that the petitioners are accused in STC.No.1170 of 2022 on the file of Judicial Magistrate, No.II, Cuddalore. The respondent police prosecuted the petitioners for having committed the offences punishable under Sections 294(b), 353, 506(i) of IPC. The allegation against these petitioners are, while checking the vehicles by the police, the petitioners, who are rider and pillion rider, travelled without wearing helmet. Hence, the police imposed fine of Rs.100 each and totally Rs.200 fine amount and issued E-challan. The petitioners received E-challan, thrown it and also quarrelled with the respondent police. Hence, they are charge sheeted. To find out whether the petitioners committed the offence or not, the witness has to be examined before the trial Court. Before commencement of trial, it is not proper to quash the criminal proceedings against the petitioners.



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6. Therefore, I find no merit for quashing the proceedings and further, it does not meet the parameters laid down by the Hon'ble Supreme Court in the cases in *State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)*, *M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)* & *PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrL.L.J.817)*. Therefore, it is inappropriate to quash the S.T.C.No.1170 of 2022 pending on the file of the Judicial Magistrate-II, Cuddalore. Therefore, I find no merit and investigation has to be conducted to find out the truth.

7. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

15.11.2022

AT

Index : Yes/No

To

The Judicial Magistrate, No.II,
Cuddalore.



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V.SIVAGNANAM ,J.

AT

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