



WEB COPY

Crl.O.P(MD)No.1055 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.1055 of 2022

and

Crl.MP(MD)No.778 of 2022

Karthick

... Petitioner / Sole Accused

vs.

1.The State Rep by

The Inspector of Police,

Koombur Police Station,

Dindigul District.

(C.C.No.175 of 2017)

... 1st Respondent/ Complainant

2.Karthick

... 2nd Respondent/

Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the charge sheet filed against the petitioner in C.C.No.175 of 2017 before the learned Additional District Munsif Cum Judicial Magistrate Court, Vedasandur.

For Petitioner

: Mr.V.S.Kishok Kumar

For R1

: Mr.B.Thanga Aravindh

Government Advocate

O R D E R

This Criminal Original Petition has been filed for quashing the proceedings in C.C.No.175 of 2017 before the learned Additional District Munsif Cum Judicial Magistrate Court, Vedasandur.

2. Heard the learned counsel appearing for the petitioner and learned Government Advocate (Crl.Side) appearing for the first respondent.

3. The petitioner is facing trial in C.C.No.175 of 2017 on the file of the learned Additional District Munsif Cum Judicial Magistrate Court, Vedasandur, for the offences under Sections 279 and 304 (A) IPC. The petitioner was riding a two wheeler bearing Registration No.TN-57-AV-3775 on 13.03.2016, at around 10.00 a.m. The mother Dhanalakshi, was the pillion rider. They were going to Mallappuram to attend condolence. When they were going on Vadasandur-Kovilur road, near Vellaiyagoundanoor, when the vehicle was negotiating a curve, both of them fell down. The petitioner's mother suffered injury and she also passed away. In this regard, the petitioner lodged a complaint before the first respondent police and the same was registered in Crime No.57 of 2016. After investigation,

<https://hcservices.ecourts.gov.in/hcservices/>



it was charge sheeted and the case was taken on file in C.C.No.175 of 2017.

4. I went through the statement recorded under Section 161 Cr.P.C. There is absolutely nothing on record to show that the death of the petitioner's mother was caused by the petitioner's rash and negligent act. When two wheelers negotiate a curve, at times, they do skid. In the case on hand, such a skidding had taken place. The ingredients of Section 304 (A) of IPC are absent. Continuation of the impugned prosecution is not warranted. The impugned proceedings stand quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

5.The petitioner's counsel informs this Court that a Non Bailable Warrant has been issued against the petitioner herein. The same is also set aside.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dss

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Additional District Munsif
Cum Judicial Magistrate Court,
Vedasandur, Dindigul District.
- 2.The Inspector of Police,
Koombur Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.S.KISHORE KUMAR, Advocate (SR-2331[F] dated 25/01/2022)

Crl.O.P. (MD)No.1055 of 2022 and
Crl.MP(MD)No.778 of 2022
21.01.2022