



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1973 of 2022

K.Manisekaran ... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Peravurani Police Station,
Thanjavur District. ... 1st Respondent/Complainant

2.K.Jeganathan ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to Crime No.205 of 2019 on the file of the second respondent Police, Peravurani Police Station, Thanjavur District and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side) for R.1

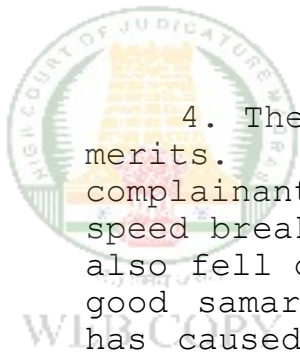
: Mr.D.Venkatesh for R2

ORDER

Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the first respondent and learned counsel appearing for the second respondent.

2. The case of the prosecution is that on 21.10.2019 at about 11.00 a.m, when the defacto complainant and his wife were riding in a bicycle, the petitioner dashed against the same. The petitioner, who was riding a two wheeler, collided with them, leading to a fall. The defacto complainant's wife suffered a head injury and later died. In this regard, Crime No.205 of 2019 was originally registered on the file of Peravurani Police Station for the offences under Sections 279 and 337 IPC. Later, following the demise of the defacto complainant's wife, it was altered into Section 304 (A) IPC. To quash the same, this Criminal Original Petition has been filed.

3. The petitioner is aged about 22 years. The defacto complainant is aged about 80 years. The defacto complainant has shown grace by saying that he does not want to spoil the life of a young man. Be that as it may, a case of this nature cannot be quashed on the strength of compromise between the parties.



4. Therefore, I called upon the petitioner to argue the case on merits. The petitioner's counsel states that the defacto complainant and his wife were riding a bicycle and while crossing a speed breaker, the defacto complainant lost his balance and his wife also fell down. The petitioner is said to have played the role of a good samaritan, but then, under an impression that the petitioner has caused the occurrence, the defacto complainant had implicated him. The learned counsel for the petitioner pointed out that if the two wheeler had been ridden in the manner suggested and collided with the bicycle, the bicycle would have suffered a major damage. In this case, bicycle did not suffer any damage. The defacto complainant also admittedly did not suffer even a scratch. Therefore, the version projected in the prosecution appears to be inherently improbable. The petitioner had also compensated the defacto complainant. In these circumstances, the continuance of the impugned prosecution is not going to serve any purpose. The defacto complainant has made it clear that he is not going to support the prosecution. Therefore, the impugned FIR is quashed. This Criminal Original Petition is allowed.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Inspector of Police,
Peravurani Police Station,
Thanjavur District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-3788[F] dated 02/02/2022)

Crl.O.P(MD)No.1973 of 2022

02.02.2022

SB(CO)

<https://hcservices.ecourts.gov.in/hcservices/> GC(23-03-2022)-2P 4C