



Crl.O.P.(MD) No.4559 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.4559 of 2022

and

Crl.M.P.(MD).No.3232 of 2022

M.Manikandan

...Petitioner

Vs.

1.The State represented by,
The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
(Crime No.1210 of 2021)

2.K.Ganapathy Vel

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the entire records pertaining to the case in S.T.C. No. 8 of 2022 on the file of the learned Judicial Magistrate, Oddanchatram, Dindigul District and quash the same.

For Petitioner : Mr.A.Kesavan

For R-1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For R-2 : Mr.D.Venkatesh



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ORDER

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This Criminal Original Petition has been filed to quash the case in S.T.C. No. 8 of 2022 on the file of the learned Judicial Magistrate, Oddanchatram, Dindigul District.

2. The facts of the case are that on 25.11.2021, when the petitioner was riding his motor bike towards Udumalaipettai from east to west and the second respondent, being a Government bus driver, driving a Government bus towards Oddanchatram from west to east, hit the motor bike of the petitioner and thereby caused grievous injuries to the petitioner and the pillion rider. Soon, they were became unconscious and taken to the private hospital for treatment. In such circumstances, the second respondent preferred a complaint against the petitioner in F.I.R.No.1210 of 2021 and a final report has been filed before the Judicial Magistrate, Oddanchatram, Dindigul District in S.T.C.No.8 of 2022. Hence, the present Criminal Original Petition has been filed to quash the case in S.T.C.No.8 of 2022.



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3. The learned counsel for the petitioner submitted that the accident took place because of the negligence of the bus driver. The incident was captured in the CCTV footage. Without considering the CCTV footage, an F.I.R has been registered and final report has been filed against the petitioner. The Trial Court has taken the case in S.T.C.No.8 of 2022, which is now pending on the file of the learned Judicial Magistrate, Oddanchatram, Dindigul District.

4. The learned Additional Public Prosecutor submitted that the case is posted for appearance of the accused.

5. I have considered the matter in the light of the submissions made by the learned counsels for both the parties.

6. A perusal of the records reveals that the petitioner is an accused in S.T.C.No.8 of 2022 on the file of the learned Judicial Magistrate, Oddanchatram, Dindigul District. Now, the petitioner/accused disputed the fact that he did not cause the accident and it was only the driver of the bus, who caused the accident. To support his documents, the petitioner relied upon the CCTV footage. Being a disputed fact of negligence, it has to be



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decided by the Trial Court and the proceedings cannot be quashed and the

Trial Court is permitted to conduct the trial to reach its logical conclusion.

This Court directs the learned Judicial Magistrate to dispose the case within a period of one (1) month.

7. Therefore, I find no merits in this Criminal Original Petition. Hence, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition stands closed.

30.06.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

Nsr

To

1. The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
2. The Judicial Magistrate,
Oddanchatram,
Dindigul District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

Nsr

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