



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:11.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.6691 of 2022

and

Crl.M.P(MD) No.4639 of 2022

S.Suresh Kumar

...Petitioner/Sole Accused

Vs.

1.State through

The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime No.2/2020)

... 1st Respondent / Complainant

2. Manikandan

... 2nd Respondents / Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to to call for the records pertaining to the Final report in C.C.No. 44/2021 on the file of the learned Judicial Magistrate, Vadipatti, Madurai District for the offences U/s279 and 304(A) of IPC in Crime.No.2/2020 dated 01/01/2020 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.K.Suyambulinga Bharathi

For Respondents : Mr.R.M.Anbunithi
No.1 Additional Public Prosecutor

For Respondents : Mr.R.Anandharaj
No.2

ORDER

This petition has been filed to quash the proceedings in C.C.No. 44 of 2021 on the file of the learned Judicial Magistrate, Vadipatti, Madurai District.

2. The case of the prosecution is that on 01.01.2020 at about 7.30 pm., while the defacto complainant was taking bath in a water tank in front of Kattapuli Karuppasay temple his father Mayil who is the deceased in this case is about to cross from west to east in the national highways Dindigul to Madurai, the petitioner herein driving his motor cycle Royal Enfield bearing Reg.No. TN 57 BY 1932 in a rash and negligent manner dashed against the defacto complainant's father. On seeing this, the defacto complainant rushed to the spot and saw his father who sustained grievous injuries in front and back of his head, left hand elbow, left knee . Then the defacto complainant called the 108 ambulance sent his father to Rajaji



Hospital and then came to Samayanallur Police Station and made a complaint.

3. After completion of investigation the first respondent filed final report and the same has been taken cognizance in CC No.44 of 2021 on the file of the learned Judicial Magistrate, Vadipatti for the offences under Sections 279 and 304(A) of IPC as against the petitioner.

4. The learned counsel for the petitioner would submit that when the petitioner was riding his two wheeler from Palani to Madurai there was a small curve as the NH road progressed, suddenly 83 years old man namely the deceased came running towards the petitioner's motor bike to cross the road, though the petitioner applied brake, the accident took place due to which the deceased sustained grievous injuries, due to which he was admitted in the hospital and later he died. The petitioner has complied with the rules of Motor Vehicle's Act 1989. The 83 years old pedestrian ran into the petitioner's vehicle and fell out of the petitioner's two wheeler losing his control. The deceased was crossing the four lane national highway without any signal and also not in the Zebra crossing.

5. In pursuance to the same, the defacto complainant and his family members filed a petition in MCOP No.248 of 2021 and the same has been referred to the Lok adalat and the Lok Adalat by an order dated 08.07.2021 passed award to the tune of Rs.3,50,000/-. While being so, the defacto complainant who is the son of the deceased filed affidavit before this Court stating as follows:

"3. I respectfully submit that according to the prosecution case, on 01.01.2020 at about 7.30 pm., I am taking bath in a water tank in front of Kattapuli Karuppasamy temple, my father Mayil who is deceased in this case is about to cross from west to east in the national highways Dindigul to Madurai, the petitioner herein driving the motor cycle Royal Enfield bearing Reg.No TN 57 BY 1932 with rash and negligent manner and dashed my father Mayil, then by seeing this accident, I rushed to the spot to see my father who sustained grievous injuries in front and back of his head, left hand elbow, left knee. Then I called 108 ambulance, taken by father to Rajaji Hosptial and the came to Samayanallur Police station and made complaint against the petitioner. Hence FIR came to be registered against the petitioner in Crime No.2 of 2020 for the offences under Sections 279 and 304(A) of IPC on the file of the first respondent police.

4. I further submitted that on the date of occurrence my father who is 83 years old was crossing the 4 lane highways, without following the traffic rules due to that the said occurrence was happened, after commencement of the



investigation only, I have realized the said facts that being a situation, in order to quite as the entire issues to consider this petitioner's future also I am having no objection to quash the proceedings as against the petitioner.

5. Hence I have no objection to quash the criminal proceedings in CC No.44 of 2021 on the file of the learned Judicial Magistrate, Vadipatti, Madurai District"

6. Further the petitioner and the family members of the deceased have settled the issue amicably and do not want to proceed with the trial. Under such circumstances, no useful purpose will be served in keeping the C.C.No. 44 of 2021.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No. 44 of 2021 on the file of the learned Judicial Magistrate, Vadipatti, Madurai District, is quashed. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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

Cr1.O.P.(MD) No.6691 of 2022
and
Cr1.M.P(MD) No.4639 of 2022
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sp(CO)

TR(21.04.2022) 3P 4C