



WEB COPY



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5512 of 2022
and Crl.MP.No.3016 of 2022

P.Muthukumar
Son of Palanisamy

.. Petitioner/Accused No.2

.Vs.

1.The State of Tamil Nadu
Rep.by the Inspector of Police
Erode South Police Station
Erode, Erode District.

..Respondent/Complainant

2.S.Daniel Dhinakaran
Assistant Engineer
Idayankattuvalasu Section
TNEB, Erode.

..2nd respondent/de facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in F.I.R.No.149 of 2020, on the file of the respondent police and quash the same only insofar as it relates to the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)
for R1



ORDER

This criminal original petition has been filed to quash the FIR in Crime No.149 of 2020, pending investigation on the file of the 1st respondent.

2.Mr.K.Selvaraj, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) for R1.

3.The case of the prosecution is that A1, who is a driver of the Vehicle had transported gas cylinders and he is said to have driven in a rash and negligent manner and as a result, the electric pole of the transformer was completely damaged since the vehicle dashed on the transformer. Thereby, a loss to the tune of nearly Rs.14.95 lakhs was caused to the Electricity Department.

4.The petitioner is only the owner of the Vehicle and he has been made vicariously liable for the negligence committed by the driver of the Lorry. Such vicarious liability cannot be attributed for IPC offences. The law on this issue is too well settled. Therefore, the continuation of the investigation as against the petitioner (A2) will amount to an abuse of process of law. If at all compensation has to be recovered, independent proceedings will have to be initiated and it cannot be done by registering a criminal case against the owner of the Vehicle.

5.In the light of the above discussion, the FIR in Crime No.149 of 2020, on the file of the 1st respondent is hereby quashed insofar as the petitioner (A2) is



concerned. The 1st respondent is directed to proceed further to file a final report insofar as A1 is concerned.

6. In the result, this criminal original petition is disposed of in the above terms.

Consequently, connected miscellaneous petition is closed.

04.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp

To

1. The Inspector of Police
Erode South Police Station
Erode, Erode District.

2. S. Daniel Dhinakaran
Assistant Engineer
Idayankattuvalasu Section
TNEB, Erode.

3. The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH,, J.

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