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CrI.O.P.No.23050 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.23050 of 2019 and
CrI.M.P.No.12038 of 2019

Raguvaran

... Petitioner / 2nd accused

/vs/

State Rep by:

The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
(Crime No.51 of 2019)

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records and to quash the FIR in Crime No.51 of 2019 pending investigation on the file of the Inspector of Police, Virudhachalam Police Station.

For Petitioner

... Mr.S.Suresh

For Respondent

... Mr.A.Gopinath,
Govt. Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to call for the records and to quash the FIR in Crime No.51 of 2019 pending investigation on the file of the Inspector of Police, Virudhachalam Police Station.



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

3. The petitioner is shown as the second accused in the above said case. The case of the prosecution is that on 02.02.2019 at about 1.00 p.m., in connection with the death of one Ananthavalli in a road traffic accident. The petitioner along with others entered into the police Station and demanded to change the vehicle which caused the death of Ananthavalli so as to get compensation and threatened the officials with dire consequences.

4. The learned counsel for the petitioner submitted that three police personnels by names Selvendran, Praveen Raj and Dinesh Kumar were smuggling liquor from Pondicherry to Tamil Nadu in a two wheeler in a drunken mood and caused the death of Ananthavalli; the deceased was a coolie worker and she was also walking on the road at the time of the accident; after getting information about the death of Ananthavalli, her husband Jayaraman rushed to the spot and later gave the police complaint; the petitioner and others helped to take Ananthavalli to the Hospital



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immediately after the accident; by suppressing all these facts, the respondent police registered a case in Crime No.50 of 2019 against the three police personnels who drove the vehicle for the offences under Section 4(1)(a), 4(1-A) & 14A of TNP Act; FIR in Cr.No.49 of 2019 has been registered by showing one Arulraj as an accused; even though the real vehicle involved in the accident is the vehicle driven by the three accused in Cr.No.50 of 2019, FIR in Crime No.49 of 2019 was registered by showing another person with two wheeler bearing Registration Number PY 01-T- 7383; but the said vehicle bearing Registration Number PY 01-T- 7383 is not the actual vehicle which caused the accident; for the reasons best known to the respondent police, they wrongly implicated the petitioner as an accused in Cr.No.51 of 2019.

5. The learned Government Advocate (Crl.Side) submitted that the investigation in all the three cases has been completed and the charge sheet has been filed in C.C.No.172 of 2022 before the learned Judicial Magistrate No.I, Virudhachalam.



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6. Since the charge sheet has been filed in all the FIRs including the impugned FIR and the same has been taken on file in C.C.No.172 of 2022 before the learned Judicial Magistrate No.I, Virudhachalam, this Criminal Original Petition is dismissed as infructuous. However the petitioner is at liberty to file a fresh petition to quash the charge sheet, if he is so advised. Consequently, connected miscellaneous petition is closed.

03.01.2023

Index: Yes/No
Internet: Yes/No
gsk



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WEB COPY To

- 1.The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
- 2.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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