



Crl.OP.No.22601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.22601 of 2023

and

Crl.MP.Nos.15811 and 15810 of 2023

Vinoth Victor

... Petitioner

Vs.

State of Tamilnadu,
Rep by Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records relating to the proceedings in SC.No.28 of 2023 pending on the file of the learned District and Sessions Judge, Nagapattinam and quash the same.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

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The petition to quash the final report on the ground that there is no material available and possibility of convicting the petitioner is very remote.

2. The substance of the petition to quash is that the petitioner herein has leased out his property to one Madan in the year 2020 and when the petitioner wants to sell his property, the leasee resisted it, hence, enmity developed. In the said circumstances, on 05.07.2022, when the petitioner driving his car from Nagapattinam to Velanganni, the said Madan and his friend Amuthan came in a two wheeler and tried to obstruct the car by overtaking the car. To escape from their attack, the petitioner tried to increase the speed of the car. His car was chased by the Madan and Amuthan. While they tried to again overtake the car near Malai Muthu Mariamman Koil to intercept the car of the petitioner, the car accidentally dashed against the motorcycle in which, Madan Karthi sustained injury and died. His companion/pillion rider Amuthan was admitted in the hospital and died subsequently. The case has been registered under Section 302 of IPC and 109 of IPC against the petitioner



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and his wife.

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3. The learned counsel for the petitioner submitted that there is no eye witness to this occurrence. The statement from 29 persons been recorded and none of them implicate the petitioner. Therefore, the final report taken on file by the learned Principal District and Sessions Judge, Nagapattinam in S.C.No.28 of 2023 has to be quashed. It is also submitted there is a counter complaint given by the first petitioner to the respondent and after investigation, final report also filed and it is in P.R.C.Stage.

4. This Court is not sure whether anything survives in the complaint of this petitioner after the demise of Madan and Amuthan. In any circumstances, this Petition to quash the complaint against him is not sustainable. Hence, this Criminal Original Petition is dismissed. The case on merit uninfluenced by the dismissal order passed by the trial Court. If the counter case still survives, same shall be taken on file for trial and both the cases be tried simultaneously.



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Vv

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To

1. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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