



Crl.O.P.No.29746 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.29746 of 2019 and
Crl.M.P.No.16053 of 2019

R.Balaji

...Petitioner

Vs.

1. State represented by:
the Station House Officer,
Traffic Police station – East,
Puducherry.

2. Uthirapathy

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the FIR registered vide Crime No.133 of 2019, dated 23.08.2019 on the file of the Station House Officer, Traffic Police – East, Pondicherry.

For Petitioner : Mr.E.Thiyagu for
Mr.B.Balavijayan

For 1st Respondent : Mr.V.RAmachandra Murthy
Additional Public Prosecutor (Puducherry)

For 2nd Respondent : Mr.K.Sasindran



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ORDER

WEB COPY This Criminal Original Petition is filed to quash the proceedings in Crime No.133 of 2019 on the file of the Station House Officer, Traffic Police – East, Pondicherry.

2. The petitioner is a sole accused, against whom the 2nd respondent had given a complaint by alleging that on 20.07.2019 at about 6 A.M, the 2nd respondent was riding his motor cycle bearing Registration No.PY01 CU 3943 along with his mother-in-law as a pillion rider. While the 2nd respondent was coming on the Puducherry Bharathi street from North to South, at Muthumariamman Junction a Car driven by the petitioner from East-West came in a rash and negligent manner and hit the motor cycle ridden by the 2nd respondent and due to which, the 2nd respondent sustained injuries on his right Knee. Subsequently, the 2nd respondent gave a complaint and based on which, FIR has been registered in Crime No.133 of 2019.



WEB COPY

3. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor (Puducherry) appearing for the 1st respondent and the learned counsel for the 2nd respondent.

4. The learned counsel for the petitioner submitted that for the occurrence that had taken place on 20.07.2019, the complaint has been given only on 23.08.2019 i.e., after a period of one month. Despite the 2nd respondent sustained injuries as alleged by him, no document is available to substantiate the same. Since the materials available on record, does not disclose any criminal action against the petitioner, the FIR should be quashed.

5. The learned Additional Public Prosecutor (Puducherry) appearing for the 1st respondent submitted that the delay alone cannot be the reason to quash the proceedings. In fact, immediately after accident, the 2nd respondent had taken treatment for the injuries sustained and that is the reason for the delay in lodging the complaint and hence the investigation should be allowed to continue.



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6. On the face of the complaint, it is seen that there are sufficient averments made with regard to the alleged accident that had occurred on 20.07.2019. While the 2nd respondent was riding his motor cycle, the accused had driven the car bearing Registration No.TN 23 AM 1616, Maruthi Swift Dzire. The 2nd respondent had taken treatment at the Government Hospital immediately after accident and thereafter he was continuing his treatment for the injuries over his knee. Since there are enough materials available to make out a case under Section 279 and 337 of IPC., there is no reason to stop the investigation. Unless the investigation is allowed to be continued, the manner in which the accident had taken place on the date of occurrence, cannot be known. There are sufficient averments made in the complaint to make out a *prima facie* case against the petitioner. Hence, the 1st respondent is obligated to continue the investigation and find out the manner of accident and file the final report accordingly.



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7. In view of the above stated reasons, this Criminal Original Petition

stands dismissed. Consequently, connected miscellaneous petition is closed.

30.01.2023

vum

Index:yes/No

Speaking order / Non speaking order

To

1. The Station House Officer,
Traffic Police station – East,
Puducherry.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA,J.

vum

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