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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.8345 of 2023

and

Cr1.MP(MD)No.7266 of 2023

K.Eswar : Petitioner/Sole Accused

Vs.

1.The State rep. by
The Inspector of Police,
Alagappapuram Police Station,
Karaikudi,
Sivagangai District.
(Crime No.91 of 2022) : R1/Complainant

2.Sofia (died) : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.91 of 2022 on the file of the first respondent police and quash the same and pass such other orders.

For Petitioner : Mr.K.P.Ramesh

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

**O R D E R**

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This criminal original petition is filed seeking quashment of the FIR in Crime No.91 of 2022 on the file of the 1st respondent.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that on 16/12/2022 at about 12.30 hours in the noon, his sister-in-law namely Sofia was taking her daughter in a two wheeler bearing registration No.TN63-BV-2891 on the College road. At that time, the accused was riding a two wheeler in front of her, suddenly crossed the road towards right, as a result of which, the above said occurrence took place by dashing against the accused vehicle, so sustained injury, taken to the hospital and taking treatment. On the basis of the above said occurrence, a case in Crime No. 91 of 2022 was registered for the offences under sections 279, 337 IPC @ 304(A) IPC.



3.This petition has been filed by this petitioner solely on the ground that only because of the rash and negligent driving on the part of the injured namely Sofia, the occurrence had taken place.

4.Heard both sides.

5.It is a case of rashness and negligent driving, causing death of Sofia, who sustained injuries in the above said accident.

6.It has been stated by the petitioner that only Sofia was responsible for the accident and she is not having proper licence to drive the vehicle. But without proper preliminary enquiry, the case has been registered against him. He is a IAS aspirant. Except this factual aspect, nothing worth considering has been stated.

7.The Investigation is in the preliminary stage. Whose negligent and rashness, the above said accident took place are all the matters for consideration by the Investigating Officer.



8. Even without waiting for completion of the investigation, this petition has been filed. Absolutely, I find no merit in this petition. So, this petition is not even eligible for consideration. Let the above said investigation process be completed within a period of three months from the date of receipt of a copy of this order. If the petitioner is still aggrieved over the contents of the final report, he can work out his remedy through appropriate proceedings.

9. With the above said direction and liberty, this criminal original petition stands **dismissed**. Consequently connected Miscellaneous Petition is closed.

30/06/2023

Index: Yes/No
Internet: Yes/No
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WEB COPY To,

- 1.The Sub Inspector of Police,
Alagappapuram Police Station,
Karaikudi, Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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