



Crl.O.P(MD) No.7987 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 27.04.2023

CORAM:

The Hon`ble Mr.Justice G.ILANGO VAN

**Crl.O.P(MD)No.7987 of 2023
and
Crl.M.P(MD)No.6996 of 2023**

Ansar Asik

... Petitioner

Vs

**1.The Inspector of Police,
Sipcot Police Station,
Manamadurai,
Sivagangai District.
(Crime No.170 of 2021)**

2.K.Ganeshamoorthy

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in C.C.No.1061 of 2022 on the file of the Judicial Magistrate Court, Manamadurai and quash the same.

For Petitioner : Mr.K.G.Ramalingam

**For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor**



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ORDER

This Criminal Original Petition has been filed to call for the records relating to the charge sheet in C.C.No.1061 of 2022 on the file of the Judicial Magistrate Court, Manamadurai and quash the same.

2. The petitioner is facing charges under Section 279, 337 and 304(A) of IPC before the Judicial Magistrate Court, Manamadurai. The grievance of the petitioner is that not only the deceased but also the mother of the defacto complainant made representation stating that some of the accused persons are not impleaded. The above final report has been filed.

3. The grievance of the petitioner is that the above said accident did not happen because of his negligence, but it occurs due to the negligence of the deceased namely Rajkumar. Without considering the above said representation made by the mother of the deceased Rajkumar, final report has been filed.



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4. Whether the occurrence happened because of the rash and negligent driving on the part of the petitioner or on the part of the deceased Rajkumar can only be a matter for consideration by the trial Court. Simply because representation has been made by the mother of the deceased that the petitioner cannot take advantage of the same. The trial must be taken to its logical end. The defences which are available to the petitioner can be raised only before the trial Court.

5. This Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

27.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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G.ILANGO VAN, J.

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To

- 1.The Inspector of Police, Sipcot Police Station, Manamadurai,
Sivagangai District.
- 2.The Judicial Magistrate Court, Manamadurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
Crl.O.P(MD)No.7987 of 2023
and
Crl.M.P(MD)No.6996 of 2023

Date: 27.04.2023