



CrI.O.P.(MD) No.9209 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE T.V.THAMILSELVI**

CrI.O.P.(MD)No.9209 of 2023

and

CrI.M.P.(MD)No.7530 of 2023

Anees

...Petitioner

Vs.

1.The State represented by its,
The Inspector of Police,
TIW – NAGERCOIL Police Station,
Kanyakumari District.
Crime No.50 of 2023

2.Saroja

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the entire records in relating to the impugned FIR in Crime No.
50 of 2023 on the file of the first respondent and to quash the same.

For Petitioner : Mr.M.S.Jeyakarthik

For R1 : Mr.R.Sivakumar

Government Advocate



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ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.50 of 2023 on the file of the first respondent.

2.The learned Counsel appearing for the petitioner would submit that the petitioner was working as a Driver in the Transport Department. On 28.04.2023, the petitioner was driving the bus bearing Registration No.TN74N1812. When the petitioner was driving the bus on the said date near Nagercoil, the defacto complainant's husband was riding his two wheeler in front of the bus. Suddenly, the bus dashed against the defacto complainant's vehicle and he fell down and succumbed to injuries.

3.The learned counsel would further submit that originally the accident took place due to negligence on the part of the defacto complainant's husband and this incident was luckily recorded in nearby CCTV camera. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base,



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the first respondent police registered a case in Crime No.50 of 2023 for the offences under Sections 279 and 304(A) of IPC. Hence he prayed to quash the same.

4.The learned Government Advocate appearing for the first respondent would submit that the investigation is almost completed and the respondent police has only to file final report.

5.Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the petitioner and Mr.R.Sivakumar, learned Government Advocate appearing for the first respondent.

6.It is seen from the First Information Report that there is a specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such, this Court cannot interfere with the investigation. The investigating



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machinery has to step into investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7.In view of the above discussion, this Court is not inclined to quash the FIR. However, considering the facts submitted by the learned counsel for the petitioner, the petitioner is hereby directed to produce the CCTV Camera footage to the first respondent. The first respondent police is hereby directed to collect the CCTV Camera footage and conduct enquiry in Crime No.50 of 2023 in a proper and fair manner and file a final report within a period of three months from the date of receipt of copy of this Order, before the jurisdictional Magistrate.

8.With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions is closed.

18.05.2023

NCC:Yes/No
Index:Yes/No
Sm



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- 1.The Inspector of Police,
TIW – NAGERCOIL Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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T.V.THAMILSELVI, J.

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