



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **11.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.12456 of 2023

and

CrI.M.P.(MD).No.9741 of 2023

V.Shanmuga Sundaram

... Petitioner / Accused No.2

Vs.

1.The State

represented by the Sub Inspector of Police,
Silaiman Police Station, Madurai.
(Crime No.168 of 2022)

2.Mugesh

.. Respondents / *Defacto* Complainants

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records from the first respondent police in Crime No.168 of 2022 dated 30.05.2022 and quash the same as devoid of merits against the petitioner.

For Petitioner	: Mr.A.Haja Mohideen
For R1	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking for quashment of F.I.R in Crime No.168 of 2022 dated 30.05.2022 on the file of the first respondent.



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CrI.O.P.(MD)No.12456 of 2023



2. Learned counsel for the petitioner submits that Accused No.1 has committed fatal accident on 26.05.2023 with a vehicle bearing Registration No.TN-65-5676, which resulted in the death of a person and caused injuries to other persons. According to the prosecution, Accused No.1 / Driver of the said crime vehicle was carrying seven passengers in a vehicle, which has no Fitness Certificate and which is not meant for carrying the passengers. According to the petitioner, originally, a case has been registered against the petitioner for the offences under Sections 279, 337 and 304 (A) of I.P.C in Crime No.168 of 2022. Subsequently, after arresting the petitioner, basing on the Confessional statement of Accused No.1, the Section of Law was altered and Section 304 (II) of I.P.C is also included. As per the Confessional Statement of Accused No.1 that the petitioner has directed to bring the labourers in the said vehicle, an alteration memo was also sent by adding the petitioner as Accused No.2.

3. It is submitted by the learned counsel for the petitioner that as on date of the accident, the petitioner was not the owner of the vehicle bearing No.TN-65-5676 which involved in the accident. It is also submitted that the petitioner is doing scrap business and as on the



date of accident, the premises of the petitioner / Accused No.2 was seized by the Tamil Nadu Mercantile Bank, as per the order of learned Chief Judicial Magistrate, Madurai under the SARFAESI Act, 2002.

4. Considering the circumstances, since the enquiry is at the initial stage, this Criminal Original Petition is disposed of, with a direction to the petitioner to approach the Police and file all the documents concerned to show that he was not the owner of the crime vehicle as on the date of the alleged accident and also that his business was totally ceased as per the order of learned Chief Judicial Magistrate, Madurai and on filing of such documents, the respondent Police is directed to consider the same and conclude the investigation, as expeditiously as possible. The petitioner is at liberty to challenge the charge sheet, in case, if ultimately, he is again charged after investigation. Consequently, the connected miscellaneous petition is closed.

11.07.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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CrI.O.P.(MD)No.12456 of 2023

DR.D.NAGARJUN. J.

tsg

To

- 1.The the Sub Inspector of Police,
Silaiman Police Station, Madurai.

- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.12456 of 2023

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