



Crl.O.P.(MD)No.18126 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **10.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.18126 of 2023

and

Crl.M.P.(MD)Nos.14311 & 14312 of 2023

C.T.Sankar

... Petitioner/sole accused

Vs.

1.The State rep.by
The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
In Crime No.76 of 2023.

2.Dhasan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to S.T.C.No.1012 of 2023 on the file of the learned Judicial Magistrate No.1, Sivagangai and quash the same.

For petitioner : Mr.George Stephen Kanikkairaj

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)



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ORDER

This petition has been filed seeking to quash the charge sheet in S.T.C.No.1012 of 2023 pending on the file of the learned Judicial Magistrate No.1, Sivagangai.

2.The petitioner is charged for the offences under Sections 279 & 338 IPC in S.T.C.No.1012 of 2023. Seeking quashment of the same, this petition has been filed on various grounds. The charge sheet has been filed alleging that the car of the petitioner hit the second respondent, thereby, the second respondent sustained injuries.

3.The learned counsel for the petitioner submitted that when the petitioner was travelling in his car from Thiruppathur to Sivagangai, only the second respondent, without any signal, suddenly turned to the right side of the road and hence, the accident occurred. He further submitted that at the time of alleged accident, the second respondent consumed alcohol and did not wear helmet. Hence, he prays for allowing this petition.



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4.The learned Government Advocate (Crl.side) for the respondent police submitted that the entire accident had taken place only due to the negligent driving of the petitioner.

5.Heard the submissions made on either side and perused the materials placed on record.

4.On perusal of the entire records, this Court is of the view that the issue involved in the present petition is as to whether the occurrence had taken place due to rash and negligent driving of the petitioner or not. It is a matter for consideration during the process of trial. At this stage, with the available documents on record, this Court cannot go into the factual aspect of this matter.

6.In view of the above, I find no reason to entertain this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

10.10.2023

Index : Yes/No
Internet : Yes/No
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G.ILANGO VAN. J.

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To

- 1.The Judicial Magistrate Court No.I,
Sivagangai.
- 2.The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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