



CrI.O.P.(MD) No.21712 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.01.2023

Delivered on : 25.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD) No.21712 of 2022

K.Boopathi Manickam

: Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No. 84 of 2016.

2.K.Kamatchi

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the proceeding in Crime No.84 of 2016 on the file of the Inspector of Police, Melur Police Station, Madurai District and quash the same as against the petitioner.

For Petitioner : Mr.R.L.Dilipan Pandian,
for Mr.P.Saravanan,



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For Respondents : Mr.Muthu Manikkam,
Government Advocate (Criminal Side)
for R1.

: Mr.S.Sankar, for R2.

ORDER

This criminal original petition has been filed, invoking Section 482 Cr.P.C, seeking orders, to call for the entire records pertaining to the proceeding in Crime No.84 of 2016 on the file of the Inspector of Police, Melur Police Station, Madurai District and quash the same as against the petitioner.

2. The petitioner is the sole accused in a case registered in Crime No.84 of 2016 on the file of Melur Police Station, Madurai District.

3. The case of the prosecution is that on 31.01.2016 at about 05.00 pm, when the petitioner was riding a two wheeler bearing Registration No.TN-59-BX-2098 with his grandmother as pillion rider for returning to their home in Panagudi to Arasappanpatti road, suddenly, a dog came and interfered with bike, that due to the sudden brake applied by the petitioner, his grandmother



fell down and sustained injuries; that immediately the injured was taken to Melur Government Hospital and after first aid, she was taken to Government Hospital, Madurai and the Doctor, on checking, had informed that she was already dead and that the petitioner's mother gave a complaint on 01.02.2016 and on that basis, FIR came to be registered in Crime No.84 of 2016, for the offence under Section 304(A) IPC on the file of the first respondent Police.

4. The learned counsel for the petitioner would submit that the defacto complainant is none other than the mother of the petitioner; that while the petitioner was returning in his two wheeler with his grandmother as pillion rider, since a dog suddenly intervened, the petitioner with no other option, had applied sudden brake and due to that impact, his grandmother fell down and sustained injuries and that the petitioner is noway responsible for the accident.

5. The learned counsel for the petitioner would further submit that the petitioner and the defacto complainant have already settled the matter amicably between them and they have also filed a joint compromise memo. He would further contend that though the FIR was registered on 01.02.2016, final report has not been filed so far, for the past more than 6 years and that



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therefore, the petitioner is entitled to get the benefit under Section 468 of Cr.P.C.

6. In the complaint, it has been specifically stated that since a dog suddenly crossed the road, the petitioner had applied sudden brake negligently. The learned counsel for the petitioner would submit that since the petitioner was very careful, he had applied sudden brake and as such, the question of mulcting negligence on the petitioner does not arise. As rightly contended by the learned counsel for the petitioner, there are no averments or materials to show that the petitioner had driven the vehicle rashly or negligently.

7. Considering the above, we can easily infer that since there are no materials to mulct the responsibility on the petitioner for the accident, the first respondent was/is not in position to file the charge sheet for the past six years. Considering the above and also taking note of the compromise entered between the parties, this Court is of the view that it is a fit case to quash the proceeding as against the petitioner.



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8. In the result, the Criminal Original Petition is allowed and the FIR in Crime No.84 of 2016 on the file of the Melur Police Station, Madurai District, is quashed.

25.01.2023

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

To

- 1.The Inspector of Police,
Melur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

Pre-delivery order made in
Crl.O.P.(MD) No.21712 of 2022

25.01.2023