



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 26.02.2024**

**CORAM:**

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**CRL.OP No. 27626 of 2022**  
**CrL.MP. Nos. 16985 & 16987 of 2022**

Duraimurugan

...petitioner

Vs.

The State Represented by  
The Inspector of Police  
Traffic Investigation Department,  
Basant Nagar, Chennai.  
Crime No. 205/AM3/2009  
2.Sinnoda

...Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records in C.C No. 1461 of 2022 pending on the file of learned V Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.

For Petitioner : Mr.K.Venkatarman, Senior Advocate  
For R1 : Mr.S.Vinoth Kumar, Govt. Advocate  
( CrL.side)

**ORDER**

The petitioners herein filed this petition to call for the records in C.C No. 1461 of 2022 pending on the file of learned IV Metropolitan Magistrate, Saidapet, Chennai and quash the same in the above case.



WEB COPY

2. The case of the prosecution is that on 23.04.2009 at about 1.30 p.m the petitioner along with another person riding a motor cycle towards Chutchery Road in a rash and negligent manner and dashed against the deceased Chandru who was riding a another motor cycle with the pillion rider coming in a opposite direction towards Santhome High Road. Due to the said accident the said Chandru died and the petitioner also sustained grievous injuries. Hence, the case.

3. The learned counsel for the petitioner submits that in the said accident the petitioner also sustained greivous injuries and taken to hospital for medical treatment. Furthermore, the accident was happened due to the rash and negligent driving of the deceased Chandru but the said fact was not properly investigated by the respondent police and filed a final report after 13 years as such is vexatious one and liable to be quashed. Further, he relied the judgment of this Court in WA No. 1435 of 2019, wherein this Court observed that there is no evidence on the side of the prosecution to prove that he driven the vehicle in a rash and negligent manner and the same was confirmed by the Apex Court. Hence, he prays to allow this petition.



WEB COPY



4. By way of reply, the learned Government Advocate (Crl. side ) submits that the petitioner has consumed the alcohol at the time of the accident to that effect he produced the accident register.

5. On perusal of the records, it reveals that the there is a material evidence on the side of the prosecution to prove that the petitioner was consumed alcohol at the time of the accident. Hence, this court is not inclined to quash the final report. Accordingly, this petition is dismissed. No costs. Consequentially, connected miscellaneous petitions are closed.

**26.02.2024**

pbl

To  
The Public Prosecutor,  
High Court, Madras.



WEB COPY



4

**T.V.THAMILSELVI, J.**

pbl

**CRL.OP No. 27626 of 2022**  
**CrI.MP. Nos. 16985 & 16987 of 2022**

**26.02.2024**