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Crl. O.P. No.23374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl. O.P. No. 23374 of 2024

and

CRL.MP.No.13238 of 2024

Saikrishna

.. Petitioner

Vs.

1. State represented by
Inspector of Police,
TIW East Police Station,
Coimbatore District.
(Cr.No.389 of 2024)

2. Rakesh

.. Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS,2023 to call for the entire records pertaining to the First Information Report in Cr.No.389 of 2024 pending before the Inspector of Police, TIW, East Police Station, Coimbatore District and quash the same.

For Petitioner : Mr.P.Ponbalaji

For Respondents : Mr. K.M.D.Muhilan
Government Advocate (Crl.Side)
for R1



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ORDER

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This Criminal Original Petition is filed to quash the FIR in Cr.No.389 of 2024 registered by respondent police for the offences under Sections 281, 125(b) and 106(i) of B.N.S.S Act,2023 and Section 187, 134(a) and 134(b) of Motor Vehicles Act, 1988.

2. It is a case of motor accident caused by the first accused in which this accused and others were occupants. The first accused and others were in drunken state and driving the unregistered car had caused the death of pillion rider in a two wheeler by rash and negligent driving and also after causing the accident, they have escaped from the scene of occurrence. Thereafter, all the occupants of the car along with driver produced before the learned Magistrate for remand. The learned Judicial Magistrate has remanded the first accused who was the person on the wheels and refused to remand the others who were occupants in the car.

3. Taking advantage of the said order the present petition is filed to quash the FIR. However, the reading of the complaint and the order of the Judicial Magistrate indicates that this petitioner who was in the car



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which caused the accident who was in drunken state and also been credit to the failure for not reporting the accident immediately to the nearest police station. Therefore, it is not a matter to quash. However, the respondent police is directed to expedite the investigation and filed final report within a period of two months.

4. With this observation, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

24.09.2024

Vv

To

1.The Inspector of Police,
TIW East Police Station,
Coimbatore District.

2.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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