



WEB COPY



CrI.O.P.(MD)No.2426 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.2426 of 2024

and

CrI.M.P.(MD)Nos.1859 & 1862 of 2024

Gurumoorthy

... Petitioner/Sole accused

Vs.

1.The Inspector of Police

Vanniyampattivillakku Police Station,

Virudhungan District.

Crime No.83 of 2015.

... 1st Respondent/ Complainant

2.Manokaran

... 2nd Respondent / Defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to S.T.C.No.744 of 2015 on the file of the Judicial Magistrate No.II, Srivilliputtur and quash the same in so far as the petitioner /A6 is concerned.

For Petitioner : Mr.S.Dhayalan

For R1 : Mr.P.Kottai Chamy
Government Advocate (CrI.Side)

ORDER

The petitioner has filed this Petition to quash the proceedings in S.T.C.No.744 of 2015 on the file of the Judicial Magistrate No.II, Srivilliputtur.



Crl.O.P.(MD)No.2426 of 2024

2. The case of the prosecution is that on 19.05.2015, at about 7.00 pm, when the defacto complainant was riding his two wheeler along with a pillion rider, the petitioner had driven his Car in a rash and negligent manner and dashed against the de-facto complainant and his friend and they sustained injuries. Based on the complaint lodged by the de-facto complainant, the first respondent registered a case in Crime No.744 of 2015 against the accused for an offence punishable under Sections 279, 337 and 338 of I.P.C and after investigation, filed the final report as against the petitioner for the offence under Sections 279, 337 and 338 of I.P.C.

3.The case of the petitioner is that he has not made the accident and it is the defacto complainant who came in a wrong direction and made this accident. The petitioner is in no way responsible for the accident. However, the police without conducting proper investigation has filed the final report. There is no commission of offences so as to attract the penal provisions and there are no ingredients to make out an offence under the sections mentioned in the final report as against the petitioner. Hence the same is liable to be quashed.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the victim in this case has suffered grievous



Crl.O.P.(MD)No.2426 of 2024

injury. He further submits that the trial has also commenced and 3 witnesses were examined and the petitioner can very well establish his case before the trial Court.

5.This Court considered the rival submissions made.

6. The grounds raised by the petitioner are matter for trial. All the grounds raised herein can very well be raised by the petitioner before the trial Court and can establish his case in the trial. Moreover trial has also commenced. Therefore, this Court is not inclined to entertain this petition.

7. Accordingly, this criminal original petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court. The learned Judicial Magistrate No.II, Srivilliputtur, is directed to conclude the trial in S.T.C.No.744 of 2015 as expeditiously as possible. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
NCC : Yes/No
LS

10.06.2024

To

1.The Judicial Magistrate No.II,

Srivilliputtur.

<https://www.mhc.tn.gov.in/>



WEB COPY



Crl.O.P.(MD)No.2426 of 2024

B.PUGALENDHI,J.

LS

2. The Inspector of Police
Vanniyampattivillakku Police Station,
Virudhungar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.2426 of 2024

10.06.2024