



CrI.O.P.(MD)No.5153 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.5153 of 2024

and

CrI.M.P.(MD)No.4051 of 2024

K.Simson

... Petitioner

Vs.

1. The Inspector of Police

Ambathurai Police Station,

Dindigul City.

(Crime No.30/2024).

2. A.Pothumani

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned F.I.R. in Crime No.30 of 2024 dated 30.01.2024 on the file of the first respondent registered under Sections 279 and 304(A) of IPC and quash the same.

For Petitioner

: Mr.T.Thirumurugan

For R1 & 2

: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

The petitioner has filed this Petition to quash the impugned F.I.R. in Crime No.30 of 2024 dated 30.01.2024 on the file of the first respondent.

2. The case of the prosecution is that the third respondent's husband, viz., Annathurai was walking towards south to north, the petitioner, who was driving the car bearing Registration No.TN-84-L-2640 (Maruthi Alto) hit the third respondent's husband and caused multiple injuries. Immediately, he was taken to hospital, wherein he died. Based on the complaint of the third respondent / defacto complainant, a case in Crime No. 30 of 2024 was registered by the first respondent, under Sections 279 and 304 (A) I.P.C.

3. The learned counsel for the petitioner submits that there is no damage in the petitioner's vehicle and he was not present in the place of occurrence. However, the respondent police is attempting to fix the petitioner as accused for an accident taken place on 29.01.2024 and hence, he prayed to quash the F.I.R in Crime No.30 of 2024.



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4. The learned Additional Public Prosecutor submits that it is a matter for investigation.

5. This Court considered the rival submissions made.

6. The case is pending at the stage of investigation. The grounds raised by this petitioner can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

7. The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.



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8. Therefore, this Criminal Original Petition is disposed of with liberty to the petitioner to raise all these points before the investigation officer and the investigation officer shall consider the grounds raised by this petitioner, during the course of the investigation and shall conclude the investigation within a period of two months either by filing final report or with a closure report.

9. Consequently, connected Miscellaneous Petition is closed.

03.04.2024

Index : Yes/No
Internet:Yes
NCC : Yes/No
LS

To

1. The Inspector of Police
Ambathurai Police Station,
Dindigul City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

LS

Order made in
Crl.O.P.(MD)No.5153 of 2024

03.04.2024