



Crl.O.P.(MD)No.9588 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.9588 of 2023
and Crl.M.P. (MD) No.7696 of 2023

1. C.Amirtharaj

2. A.Ajith Prakash

... Petitioners

Vs.

The Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order made in the Criminal Proceedings initiated against the 1st petitioner vide his Challan No.TN97419221024173137, dated 24.10.2022.

For Petitioners : Mr.J.Lawrence

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



Crl.O.P.(MD)No.9588 of 2023

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ORDER

This petition has been filed challenging the Challan issued by the respondent police directing the petitioners to pay a sum of Rs.11,000/- (Rupees Eleven Thousand only) towards penalty for contravention of provisions of Section 194(D) and Section 184 of the the Motor Vehicles (Amendment) Act, 2019.

2.When the matter was taken up for hearing, the counter-affidavit of the respondent was filed. The relevant portions are extracted hereunder:

“3.I humbly submit that it is revealed from the records that on 24.10.2022 at about 17.31:37 hours the respondent was in routine surveillance with regard to traffic violations, at that time the 1st petitioner has driven the vehicle bearing No. TN 96 D 9645 by violating the Sec. 194D & 184 of the Motor Vehicles (Amended) Act 2019 since while driving the vehicle the 1st petitioner has not wear protective headgear and as such driven in a rash and



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Crl.O.P.(MD)No.9588 of 2023

negligent manner by using communication devices. Hence the 1st petitioner was stopped and fine was imposed in consonance with Sec. 194D & 184 of the Act as Rs. 1000/- for each offence respectively. Now the petitioners have alleged that totally Rs. 11,000/- was imposed and we have verified the same with the official websites at the office of the Superintendent of Police, Thoothukudi wherein it is reflecting that Rs. 1000/- each was imposed upon the vehicle.

4.I humbly submit that when the challan was taken print out it is reflecting as Rs. 11,000/- which is absolutely a technical issue. At present we ready to rectify the same in consonance with law as for as fine imposed U/s. 184 of Motor Vehicle Act is concerned. There is no fault on our side and it is due to technical error which would be resorted provided the petitioners come forward to pay the remaining fine amount of Rs. 2000/-. Further the vehicle above mentioned is indulged in similar Traffic Violation on 03.03.2022 within the jurisdiction of Sayalkudi Police



Crl.O.P.(MD)No.9588 of 2023

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To

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



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Crl.O.P.(MD)No.9588 of 2023

N.ANAND VENKATESH,J.

PKN

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