



Crl.O.P.(MD)No.20407 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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Chandra Mohan Dhas

... Petitioner

Vs.

Dino

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in S.C.No.54 of 2018 on the file of the learned Assistant Sessions Court of Padmanabhapuram and quash the same as against the Petitioner/4th accused.

For Petitioner : Mr.M.Gurudas

For Respondent : Mr.C.R.Nimal

ORDER

This petition has been filed to quash the proceedings pending in S.C.No.54 of 2018 on the file of the learned Assistant Sessions Court of Padmanabhapuram.

2.The respondent has filed a private complaint before the learned Judicial Magistrate, Padmanabhapuram, stating that on



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02.06.2007 at about 11.45 a.m., the respondent took the two-wheeler owned by his father and David and Lenin were travelling in that vehicle as pillion riders. Since three persons were travelling in the two-wheeler, the vehicle was intercepted. Seeing the police, the vehicle was driven away and it was chased by the patrol vehicle. The patrol vehicle dashed on the rear side of the two-wheeler and as a result, all the three persons were thrown out of the vehicle and the petitioner sustained grievous injuries and two other pillion riders died in that accident. Based on this accident, an FIR came to be registered in Crime No.206 of 2007 on the complaint given by the father of the respondent against the driver of the patrol vehicle. After investigation, it came to light that the patrol vehicle was not involved in this case and that the accident had taken place only due to the rash and negligent driving on the part of the respondent. Hence, a police report was filed for offence under Sections 279, 337, 338 and 304A of IPC before the learned Judicial Magistrate, Padmanabhapuram and the same was taken on file in C.C.No.233 of 2007. Subsequently, this case was transferred to the file of the learned Judicial Magistrate No.II, Padmanabhapuram and re-numbered as C.C.No.831 of 2018.



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3.After the above incident, the respondent felt that instead of proceeding further against the police personnel, a false complaint has been given against him and therefore, a private complaint was filed before the learned Judicial Magistrate, Padmanabhapuram as against five named accused persons. It was taken cognizance in P.R.C.No.10 of 2015 and later, the matter was committed to the court of sessions and re-numbered as S.C.No.54 of 2018. The petitioner has been arrayed as A4. The private complaint has been taken cognizance for offence under Sections 302, 307, 324, 326 and 34 of IPC.

4.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

5.In the considered view of this Court, the main case is now pending in C.C.No.831 of 2018 against the respondent for the same accident. As per the police report, the entire accident had taken place only due to the rash and negligent driving on the part of the respondent. While so, it is not known as to why the Court below entertained the



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private complaint on the same set of facts.

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6. Even as per the complaint, the respondent was riding the two-wheeler along with two pillion riders. Seeing the police, the two-wheeler was driven in a rash and negligent manner and at one point of time, the accident had taken place. The respondent is trying to project as if the patrol vehicle dashed on the two-wheeler and the accident had taken place. However, it is quite clear from the report of the motor vehicle Inspector that the damage to the two-wheeler was caused on the left hand side and in the right hand side, front fork bend, headlight broken, front wheel bend, front wheel mudguard damage and left hand side gear shifting lever bend. There was absolutely no indication that there was any damage caused to the two-wheeler on the rear side. Similarly, the report shows that there was no damage to the patrol vehicle. This itself shows that the respondent was trying to give this incident a different colour and proceed against the police officials. The police officials following a vehicle in their patrol vehicle when they find that the vehicle had violated law, is an action taken by the police in the course of their official duty. Hence, if the persons travelling in the two-



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wheeler meet with an accident and as a result, some one sustains serious injuries and another dies, the blame cannot be thrown on the police. It has to be borne in mind that in this case, the original complaint was given by the father of the respondent against the police. Upon investigation, it came to light that the police personnel had nothing to do with the accident.

7.The above fact was not even taken into consideration by the Court below and the Court below has taken cognizance of the private complaint in a mechanical manner without any application of mind. The continuation of the proceedings as against the petitioner will result in abuse of process of law and the same has to be interfered by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

8.In the result, the proceedings in S.C.No.54 of 2018 on the file of the learned Assistant Sessions Court of Padmanabhapuram, is hereby quashed and this Criminal Original Petition is allowed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

- 1.Learned Assistant Sessions Court of Padmanabhapuram
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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N.ANAND VENKATESH,J.

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