



Crl.O.P.(MD) No.17214 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17214 of 2023

and

Crl.M.P.(MD) Nos.13648 and 13649 of 2023

Rajendran

...Petitioner

vs

**1.The Inspector of Police,
Reddiyarchatram Police Station,
Dindigul District.
Crime No.85 of 2022**

2.Ponnusamy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records in SC.No.124 of 2023 on the file of the learned Fast Track Mahila Court, Dindigul and quash the same.

For Petitioner : Mr.S.Srikanth

**For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)**

For R2 : Mr.T.Lenin Kumar



Crl.O.P.(MD) No.17214 of 2023

ORDER

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The learned Counsel for the Petitioner submits that the Petitioner had filed this petition seeking direction to quash the charge sheet in SC.No.124 of 2023 pending on the file of the learned Fast Track Mahila Court, Dindigul. It is the submission of the learned Counsel for the Petitioner that the accidental death was converted as murder by the Investigation Officer by laying the final report, as though the accused in this case rashly driven the vehicle causing death of 1½ year old child. It is his further submission that the collusion between the two vehicles was converted as murder case without sending the vehicles involved to motor vehicle inspection and obtaining the report. There is a loophole in the investigation. Therefore, the learned Counsel for the Petitioner seeks to quash the charge sheet pending on the file of the learned Judge, Fast Track Mahila Court, Dindigul in CC.No.124 of 2023.

2.The learned Counsel for the second Respondent/*defacto* Complainant vehemently objects to the submission of the learned Counsel for the Petitioner stating that it is not an ordinary road traffic accident. It is a wanton act committed by the accused. The accused is alleged to have driven



Crl.O.P.(MD) No.17214 of 2023

the vehicle rashly threatening the family of the Petitioner that he will see to it that none of them is alive. On the alleged date of occurrence, the accused had driven the Car in a rash and negligent manner and in such a way, the second Respondent had no opportunity to evade from being hit by the Car, as there is a speed breaker on the left side. The accused had driven the vehicle rashly and in such a way, he hit the Petitioner's two wheeler, made the 1½ year old child fall from the two wheeler and being crushed under the wheels of the Car. Therefore, the second Respondent had given a complaint that it was motivated on the part of the accused, who had driven the Car with an intention to cause death.

3.The learned Government Advocate (Crl.side) strongly objected to the submission of the learned Counsel for the Petitioner stating that it is a valuable defense that is to be put forth by the accused only during trial and not before this Court at this stage.

4.Considering the vehement objection of the learned Counsel for the second Respondent/defacto Complainant and the learned Government Advocate (Crl.side), this Criminal Original Petition is dismissed. The



Crl.O.P.(MD) No.17214 of 2023

Petitioner shall agitate his right before the trial Court regarding the motor vehicle inspection. Consequently, connected Miscellaneous Petitions are closed.

Internet: Yes./No

20.03.2024

Index: Yes/No

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To

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



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Crl.O.P.(MD) No.17214 of 2023

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P (MD) No.17214 of 2023

20.03.2024