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CRL OP(MD). No.17281 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD).No.17281 of 2023

and

CRL MP(MD)Nos.13712 & 13462 of 2023

Ganesan

... Petitioner

Vs

1. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No. 435 of 2023)

2. Jeyamalar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the impugned First Information Report in Crime No.435 of 2023 on the file of 1st Respondent and quash the same as illegal against the petitioner.



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For Petitioner : Mr.Senthilkumar.R
For R-1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R-2 : Mr.V.Madhava Govindhan

ORDER

This Criminal Original Petition is filed to quash the First Information Report in Crime No.435 of 2023 pending on the file of the first respondent police.

2.The learned Counsel for the petitioner submits that it is the mistake of the victim, who has boarded in the moving Bus in a negligent manner. However, the respondent police has registered a case as against the petitioner in Crime No.435 of 2023 for the offence under Section 279 and 337 of IPC. The petitioner has also collected the CCTV footage from the place of occurrence.

3.This Court by earlier order dated 30.10.2023, had directed the petitioner to appear before the first respondent and produce the CCTV



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footage available with him to show the manner of the accident and also directed the first respondent to look into the same and report the progress of investigation to the Court.

4. When the matter was taken up today for hearing, the learned Government Advocate (Crl. Side) on instruction from the respondent police submits that they have filed the final report before the learned Judicial Magistrate No.I, Sivagangai and the same was also taken on file in STC No.338 of 2024.

5. This Court considered the rival submissions made.

6. The petitioner has been charged, as if, he has driven the vehicle in a rash and negligent manner and caused grievous injury to the victim. The petitioner is a driver of the Transport Corporation and he was managed to get the CCTV footage, which was available in the place of occurrence and the same was also produced before this Court. This Court after satisfying as to the manner in which the occurrence had taken place, has directed the petitioner to produce the CCTV footage before the respondent police. This Court has also directed the respondent police to



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look into the same and report the progress of investigation to the Court.

However, the respondent police has filed the final report in a mechanical manner without ascertaining the CCTV footage. Though the learned Government Advocate (Crl. side) claims that the CCTV footage was not produced to the Investigation Officer by the petitioner, it is the responsibility of the Investigation Officer to ascertain, if any CCTV footage is available from the place of occurrence.

7.It appears that the investigation has been conducted in a negligent manner. Therefore, this Court is inclined to quash the proceedings in STC No.338 of 2024 pending on the file of the learned Judicial Magistrate No.I, Sivagangai, even though it is not impugned herein. Accordingly, the proceedings in STC No.338 of 2024 on the file of the learned Judicial Magistrate No.I, Sivagangai, is hereby quashed.

8.The Superintendent of Police, Sivagangai, is directed to entrust the investigation in Crime No.435 of 2023 with some other competent officer and conduct further investigation. The Investigation Officer is also expected to collect the CCTV footage which is available with the



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petitioner and conduct the investigation in a proper manner and find out who is at negligent and thereafter, file the final report.

9. With the above said direction, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

24.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
jbr

To:

1. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

jbr

Order made in
Crl.O.P.(MD)No.17281 of 2023

24.07.2024