



CrI.O.P.No.1972 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.1972 of 2024
and CrI.M.P.No.1430 of 2024

S.Madhan

... Petitioner

Vs

1. State Rep.By

The Inspector of Police,
J-2, Traffic Investigation Wing,
Adayar TIW, Chennai TIW East,
Adayar,
Chennai.

2. B.Mohan

3. Jayakumar

(R3 impleaded vide Court order
dated 27.02.2024 in
CrI.O.P.No.1972 of 2024
and CrI.M.P.No.1430 of 2024)

... Respondents

Prayer : Criminal Original Petition has been filed under Section 528 of BNSS Act, 2023/Section 482 of Cr.P.C., pleaded to call for the records of respondent police relating to Cr.No.79 of 2023 and quash the same so far as the petitioner herein.



WEB COPY



CrI.O.P.No.1972 of 2024

For Petitioner	: Mr.G.Mohana Krishnan
For R1	: Mr.R.Vinothraja Government Advocate (CrI.side)
For R2	: Mr.S.Gokulakrishnan
For R3	: Mr.P.Rajkumar Pandian

ORDER

This Criminal Original Petition has been filed to quash the FIR in Cr.No.79 of 2023 on the file of the first respondent herein.

2. Heard both sides and perused the materials available on record.

3. The case of the prosecution is that on 05.03.2023, at about 04.15 a.m, the first accused, under the influence of alcohol, drove a Maruthi Swift car bearing registration No.TN 11 BC 1542 in a rash and negligent manner along R.K.Salai from western side towards the eastern side. When the second respondent attempted to intercept the vehicle, the accused allegedly accelerated the car and drove it into the police personnel. As a result, one of the Police officers sustained injuries. Hence, the complaint.



Crl.O.P.No.1972 of 2024

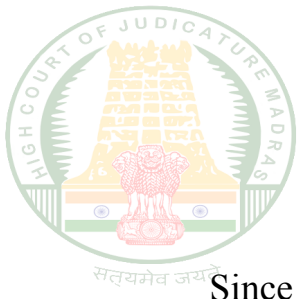
WEB COPY

4. On receipt of the complaint, the first respondent registered FIR in Crime No.79 of 2023 for the offences punishable under Section 308, 333 and 114 of IPC and Section 184 and 188 of Motor Vehicles Act, 1988 and it is pending.

5. It is seen that the FIR has been registered against the driver of the car and other individuals who were travelling along with him. The petitioner has been arrayed as A2. The co-passengers including the petitioner have been implicated, on the ground that they were also under the influence of alcohol at the time of the incident. Further, they were fully aware that the driver of the car was intoxicated and yet permitted him to operate the vehicle, which was driven in a rash and negligent manner.

6. Though the co-passengers were travelling in the same car under the influence of alcohol, there is no question of them abetting the driver to drive the car in a rash and negligent manner, especially when they were also travelling in the same car. Further, mere consumption of alcohol by the co-passengers while travelling in the vehicle does not constitute any offence.

Page 3 of 6



CrI.O.P.No.1972 of 2024

WEB COPY

Since the injured is a police official, the first respondent registered FIR as against all the persons who were present in the car at the time of incident.

7. The first accused was arrested and remanded to judicial custody.

He also confessed before the first respondent that he only drove the car under the influence of alcohol. When the police officials intercepted the car, without stopping the car he drove the car in a rash and negligent manner and hit against one of the police official. Therefore, no offence is made out as against the petitioner and other co-passengers except the driver of the car. The allegations made in the FIR did not disclose any commission of cognizable offence as against the co-passengers of the car.

8. In view of the above, the impugned FIR cannot be sustained as against all the passengers except the driver of the car. Accordingly, the FIR in Cr.No.79 of 2023 on the file of the first respondent is hereby quashed as against the petitioner and other co-passengers A3 to A6. The first respondent is directed to complete the investigation in Crime No.79 of 2023 and file a final report as against A1, within a period of eight weeks from the date of

Page 4 of 6



Crl.O.P.No.1972 of 2024

receipt of a copy of this order.

WEB COPY

9. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous petition is closed.

28.03.2025

Index: Yes/No

Speaking Order: Yes/No

mn



WEB COPY



CrI.O.P.No.1972 of 2024

G.K.ILANTHIRAIYAN,J.

mn

To

1. The Inspector of Police,
J-2, Traffic Investigation Wing,
Adayar TIW, Chennai TIW East,
Adayar,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.1972 of 2024

28.03.2025

Page 6 of 6