



Crl.O.P.No.6753 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

CORAM:

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

**Crl.O.P.No.6753 of 2025**  
**and Crl.M.P.Nos.4307 and 4311 of 2025**

G.Selvam

... Petitioner

Vs

1. The State of Tamil Nadu,  
Represented By  
Inspector of Police,  
Thiruvennainallur Police Station,  
Villupuram District.  
Crime No. 310 of 2015

2. Vijayakumar ... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Crl.P.C/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the charge sheet in CC No.439 of 2024 pending on the file of the District Munsif cum Judicial Magistrate, Thiruvennainallur, Villupuram District and quash the same.

For Petitioner : Mr.S.Sathish Rajan

For R1 : M/s J.R.Archana  
Government Advocate (Crl.side)

**ORDER**



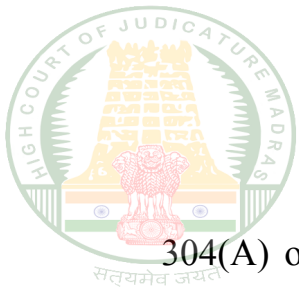
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This petition has been filed to quash the proceeding in CC No.439 of 2024 pending on the file of the District Munsif cum Judicial Magistrate, Thiruvannainallur, Villupuram District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent and perused the materials placed on record.

3. The case of the prosecution is that the defacto complainant is the Driver of Fast Track Call Taxi, an Innova Car bearing Registration No.TN 06 J 5349. While he was taking his passengers from Chennai to Ramanathapuram, on 10.05.2015 at about 06.30 a.m, the car's tyre got punctured at Villupuram and the defacto complainant stopped the vehicle at a puncture shop opposite to VRS College. While being so, it is alleged that a Maruthi Car bearing Registration No.TN 05 W 9768, driven in a rash and negligent manner and collided with the defacto complainant's car. As a result of the accident, the passengers in defacto complainant's car sustained grievous injuries and were taken to the hospital. Hence, the complaint.

4. On receipt of the complaint, the first respondent registered FIR in Crime No.310 of 2015 for the offences punishable under Sections 279, 337 and



304(A) of IPC. After completion of investigation, the first respondent filed a final report and the same has been taken cognizance in CC No.439 of 2024 for the offences punishable under Sections 279, 337 and 304(A) of IPC, pending on the file of the District Munsif cum Judicial Magistrate, Thiruvennainallur, Villupuram District.

5. The learned counsel for the petitioner would submit that the petitioner received summons only after ten years from the date of the alleged accident. The accident did not occur due to the negligence of the petitioner. It was happened due to the vehicle that was coming from opposite direction.

6. The grounds raised by the petitioner cannot be considered to quash the entire proceedings, since there is a specific allegation as against the petitioner and he is a sole accused who drove the car.

7. In this regard, it is relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in ***Crl.A.No.579 of 2019*** dated ***02.04.2019*** in the case of ***Devendra Prasad Singh Vs. State of Bihar & Anr.***, as follows:-

*" 12.So far as the second ground is*



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*concerned, we are of the view that the High Court while hearing the application under Section 482 of the Cr.P.C. had no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and, therefore, there was no prima facie case made out against respondent No.2. In our view, this could be done only in the trial while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order passed by the Trial Court but not in Section 482 Cr.P.C. proceedings.*

*13.In view of the foregoing discussion, we allow the appeal, set aside the impugned order and restore the aforementioned complaint case to its original file for being proceeded with on merits in accordance with law.*

8. Recently, the Hon'ble Supreme Court of India dealing in respect of the very same issue in **CrI.A.No.1572 of 2019** dated 17.10.2019 in the case of **Central Bureau of Invstigation Vs. Arvind Khanna**, wherein, it has been held as follows:

*“19. After perusing the impugned order and on hearing the submissions made by the learned*



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*senior counsels on both sides, we are of the view that the impugned order passed by the High Court is not sustainable. In a petition filed under Section 482 of Cr.P.C., the High Court has recorded findings on several disputed facts and allowed the petition. Defence of the accused is to be tested after appreciating the evidence during trial. The very fact that the High Court, in this case, went into the most minute details, on the allegations made by the appellant-C.B.I., and the defence put-forth by the respondent, led us to a conclusion that the High Court has exceeded its power, while exercising its inherent jurisdiction under Section 482 Cr.P.C.*

*20. In our view, the assessment made by the High Court at this stage, when the matter has been taken cognizance by the Competent Court, is completely incorrect and uncalled for."*

9. Further the Hon'ble Supreme Court of India also held in the order dated **02.12.2019** in **Crl.A.No.1817 of 2019** in the case of **M.Jayanthi Vs. K.R.Meenakshi & anr**, as follows:

*"9. It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should*



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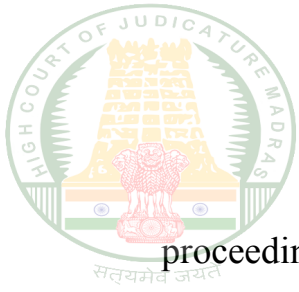
*not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.*

.....

*13. A look at the complaint filed by the appellant would show that the appellant had incorporated the ingredients necessary for prosecuting the respondents for the offences alleged. The question whether the appellant will be able to prove the allegations in a manner known to law would arise only at a later stage....."*

The above judgments are squarely applicable to this case and as such, the points raised by the petitioner are mixed question of facts and it cannot be considered in quash petition under Section 482 Cr.P.C.

10. In view of the above, this Court is not inclined to quash the



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proceeding in CC No.439 of 2024 pending on the file of the District Munsif cum Judicial Magistrate, Thiruvannainallur, Villupuram District. Considering the fact that the petitioner sustained injuries and he is still taking treatment, the personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing judgment. The Trial Court is directed to complete the Trial in CC.No.439 of 2024, within a period of six months from the date of receipt of a copy of this order.



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10. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous petitions are closed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The District Munsif cum Judicial Magistrate,  
Thiruvennainallur, Villupuram District.
2. The Inspector of Police,  
Thiruvennainallur Police Station,  
Villupuram District.
3. The Public Prosecutor,  
High Court, Madras.



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**G.K.ILANTHIRAIYAN. J.**

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