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Crl.O.P.No.14203 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.14203 of 2025 &
Crl.M.P.Nos.9692 & 9694 of 2025

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Pradeep Kumar Mehta

.. Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
Law & Order, G-1, Vepery Police Station,
Vepery, Chennai - 600 007.
(Crime No.57 of 2020)

2.Y.Chandra Shagar Sharma

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to call for the records in connection with C.C.No.1101 of 2024 pending on the file of the learned II Metropolitan Magistrate, Egmore, Chennai and quash the same.

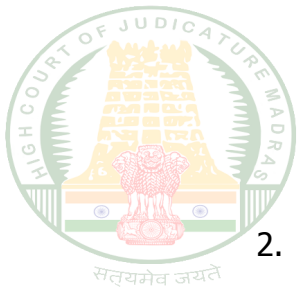
For petitioner : Ms.R.Aparana

For respondents: Dr.C.E.Pratap
Government Advocate (Criminal Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.1101 of 2024 pending on the file of the learned II Metropolitan Magistrate, Egmore, Chennai, arising out of Crime No.57 of 2020 registered by the respondent police.

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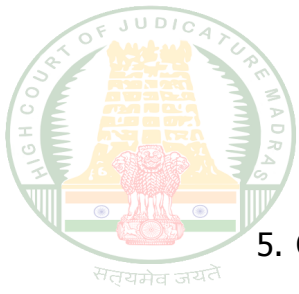


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2. The case of the prosecution is that on 21.02.2020, the defacto complainant's father, late Yuvaraj Sharma, who was working as a caretaker and residing in the same premises, allegedly climbed a tree to cut its branches and accidentally fell, resulting in grievous injuries. He was declared brought dead at the nearby hospital. The initial FIR was registered under Section 174 Cr.P.C., wherein it was specifically recorded that there was no suspicion surrounding the cause of death.

3. The learned counsel for the petitioner would submit that the subsequent alteration of the FIR into an offence under Section 304A IPC, after nearly three years, is clearly an afterthought. It is submitted that the petitioner, who is one of the flat owners, has been falsely implicated without any material evidence. There are no allegations suggesting any direct involvement of the petitioner, and the defacto complainant admittedly was not present at the time of the incident. It is further contended that no instruments or tools were recovered from the place of occurrence and that the complaint is motivated by mala fide intent.

4. When the Criminal Original Petition came up for hearing, this Court directed the learned Government Advocate (Criminal Side) to produce the statement recorded under Section 164 Cr.P.C. and the final report.



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5. On a perusal of the materials available on record, including the statement recorded under Section 164 Cr.P.C., this Court finds that there are certain allegations levelled in connection with the incident. However, whether any act or omission attributable to the petitioner would constitute negligence punishable under Section 304A IPC is a matter for appreciation by the trial Court based on the evidence. At this stage, the case discloses a prima facie issue requiring adjudication and this Court is not inclined to interfere in exercise of powers under Section 528 of BNSS. The contentions raised by the petitioner pertain to his defence, which can be appropriately raised before the Trial Court.

6. In view of the above, this Criminal Original Petition stands dismissed. However, the petitioner is at liberty to raise all contentions available to him in accordance with law during the course of trial. The respondent police is directed to furnish all relied-upon documents, including the final report, statements recorded, and annexures, to the petitioner, in compliance with Section 207 Cr.P.C., within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

17.06.2025

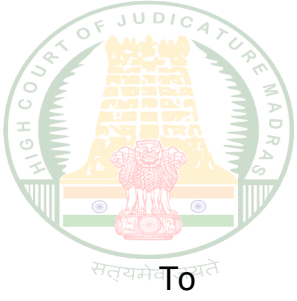
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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- To
1. The The Inspector of Police,
Law & Order,
G-1, Vepery Police Station,
Vepery, Chennai - 600 007.
 2. The II Metropolitan Magistrate, Egmore, Chennai
 3. The Public Prosecutor, Madras High Court, Chennai.



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P.VELMURUGAN, J

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Crl.M.P.Nos.9692 & 9694 of 2025**

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