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Crl.O.P.No.14244 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.14244 of 2025

and

Crl.M.P.No.9798 of 2025

... Petitioner

J.Karthik

Vs.

1. The State represented by
The Inspector of Police,
TIW, Thirumangalam Police Station,
Chennai.

2. Saravanan

... Respondents

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records in pursuance of the charge sheet in C.C.No.2168 of 2024 on the file of VI Metropolitan Magistrate at Egmore, and to quash the same.

For Petitioner : M/s.A.Anandhan

For R1 : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER



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This Criminal Original Petition has been filed to call for the records in pursuance of the charge sheet in C.C.No.2168 of 2024 on the file of VI Metropolitan Magistrate at Egmore, Chennai and to quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) accepting notice for the respondent-Police and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner parked his auto opposite to his house. However, the victim rode his vehicle in a rash and negligent manner, dashed against the petitioner's auto and succumbed to injuries. The petitioner has not committed any offence as alleged by the respondent police and that a false case had been foisted as against him in order to claim insurance benefits. Hence, the petitioner prayed for quashing the complaint.



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4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent-Police submitted that the petitioner parked his auto in the prohibited parking area without providing any indication, signal or warning. As a result, the victim sustained injuries led to his death. The witnesses have corroborated about the incident and the involvement of the petitioner in the said offence. Hence, he prayed for dismissal of the petition.

5. Upon perusal of the records, it is clear that the petitioner parked his vehicle in the prohibited place without giving any warning, indication or signal, which led to the victim succumbing to the injuries. Further, this Court finds that there are prima facie materials available as against the petitioner. The grounds taken by the petitioner are nothing but defences, which can be agitated only during trial before the Trial Court.

6. Personal appearance of the petitioner is dispensed with before the trial court. However, the petitioner has to appear before the trial court as and when his presence is required.



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7. This Criminal Original Petition is dismissed accordingly.

Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1.The VI Metropolitan Magistrate at Egmore, Chennai.

2. The Inspector of Police,
TIW, Thirumangalam Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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