



CrI.O.P.No.18919 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.18919 of 2025 and

CrI.M.P.No.12724 of 2025

Kiran Harishnan

... Petitioner

Vs.

1. State by Inspector of Police
Valathy Police Station
Villupuram District
(Crime No.420 of 2018)

2. Yoni

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records and set aside charge sheet filed in C.C.No.120 of 2020 on the file of Judicial Magistrate, Gingee and direct further investigation in Crime No.420 of 2018, pending on the file of Inspector of Police, Valathy Police Station, Villupuram District by some other agency like C.B.C.I.D. or District Crime Branch, Villupuram.

For Petitioner : Mr.A.N.Rajan

For First Respondent : Dr.C.E.Pratap

Government Advocate (CrI. Side)



CrI.O.P.No.18919 of 2025

ORDER

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This Criminal Original Petition has been filed by the petitioner/accused to set aside the charge sheet filed in C.C.No.120 of 2020 on the file of Judicial Magistrate, Gingee and direct further investigation in Crime No.420 of 2018, pending on the file of Inspector of Police, Valathy Police Station, Villupuram District by some other agency like C.B.C.I.D. or District Crime Branch, Villupuram.

2. The learned counsel for the petitioner submitted that on 03.10.2018, the petitioner along with his friends Premraj (Deceased), Prabhakaran and Jegan @ Jeyachandran proceeded to Gingee by Car to attend a birthday of their friend. After attending the birthday party, on the same day, they were returning from Gingee to Vellore and the car was driven by Jegan @ Jeyachandran who is aged about 30 years. In the left side of the front side of the car, the deceased Premraj was sitting and in the back seat, the petitioner and Prabhakaran were sitting and at about 1.00 a.m., the car met with an accident near Vadavetti Mani



Crl.O.P.No.18919 of 2025

Land and due to which, the petitioner fainted and his friends sustained injuries

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and they were taken to hospital. Later, to his shock, the petitioner came to know that his friend Premaj died on the spot and FIR in Crime No.420 of 2018 has been registered as if the petitioner drove the car. But the fact is that, the car was driven by Jegan @ Jeyachandran and even in the discharge summary of the said Jegan @ Jeyachandran, it is mentioned as "History of collision on to tree while driving two wheeler". Further, one of the travellers in the offending car has sent a complaint stating that the said Jegan @ Jeyachandran only drove the car and the petitioner had not driven the car. Despite the same, the respondent police filed the charge sheet against the petitioner for the offences under Sections 279, 337, 304(A) and 338 IPC and the same has been taken on file in C.C.No.120 of 2020 on the file of Judicial Magistrate, Gingee. Hence, the present petition is filed to set aside the case in C.C.No.120 of 2020 and direction for further investigation.

3. The learned Government Advocate (Crl. Side) appearing for the first



CrI.O.P.No.18919 of 2025

respondent police submitted that the eyewitness who are said to have travelled

in the offending vehicle at the time of accident, have clearly spoken that the petitioner only drove the car at the time of accident. Therefore, based on the statements recorded from the witnesses, the Investigating Officer filed the charge sheet. Hence, there is no need for further investigation and the present petition is liable to be dismissed.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) appearing for the first respondent police and also perused the materials available on record.

5. Since no adverse order is being passed against the second respondent, notice to the second respondent is dispensed with.

6. A perusal of the materials and the statements recorded from the witnesses who travelled in the said car at the time of accident, clearly shows that the petitioner only drove the car and based on which, the respondent police has filed the charge sheet. The grounds taken by the petitioner are nothing but



CrI.O.P.No.18919 of 2025

defence which can be agitated only during trial. This Court does not find any

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reason to set aside the charge sheet and there is no need for further investigation.

7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

8. However, the petitioner is at liberty to take all his defence before the trial Court during trial.

08.07.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



CrI.O.P.No.18919 of 2025

To

1. The Judicial Magistrate,
Gingee

2. Inspector of Police
Valathy Police Station
Villupuram District

3. The Public Prosecutor
High Court of Madras, Chennai.



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CrI.O.P.No.18919 of 2025

P.VELMURUGAN,J.

Ksa-2

CrI.O.P.No.18919 of 2025

08.07.2025