



Crl.O.P.No.14279 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.14279 of 2025

and

Crl.M.P.No.9892 of 2025

Saravanan

... Petitioner

Vs

1. The Superintendent of Police,
Salem District.

2. The Inspector of Police,
Kolathur Police Station.

3. Mahalakshmi

... Respondents

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records relating to C.C.No.44 of 2025 on the file of the learned Judicial Magistrate No.1, Mettur and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.M.Ravi

For R1 & R2 : Dr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

This criminal original petition has been filed to call for the records relating to C.C.No.44 of 2025 on the file of the learned Judicial Magistrate No.I, Mettur and to quash the same insofar as the petitioner is concerned.

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

3. Learned counsel for the petitioner submitted that based on the complaint given by the third respondent, the second respondent Police registered a case as against the petitioner in Crime No.257 of 2024 on 19.08.2024. He further submitted that the petitioner has not committed any offence as alleged by the respondent police. None of the witnesses has spoken to about the involvement of the petitioner in the said case. The earliest statements of the witnesses do not indicate anything about the involvement of the petitioner in the alleged offence. The third



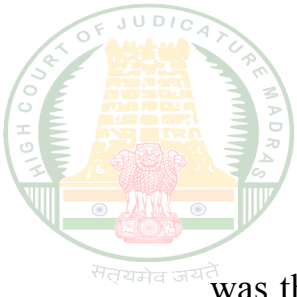
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Investigating Officer has investigated the matter and wrongly implicated the petitioner as an accused in this case. There is no corroborative material available to show that the petitioner was involved in the alleged offence.

4. On the contrary, the learned Government Advocate (Criminal Side) appearing for the respondent-Police submitted that the petitioner was the one, who caused accident, due to which, the victim succumbed to injuries. Though the defacto complainant was initially not aware of the involvement of the petitioner in this case, subsequently, during investigation, the Investigating Officer found that the petitioner was driving the vehicle in a rash and negligent manner and caused the accident.

5. In reply, it is the contention of the petitioner that the F.I.R does not indicate that the petitioner caused the accident resulting in the victim succumbing to injuries. However, the F.I.R is not an encyclopaedia. The subsequent investigation reveals that the petitioner



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was the one, who caused accident, due to which, the victim died. There are prima facie materials available to proceed with the case as against the petitioner. The grounds taken by the petitioner are nothing but a defence and the same can be decided during trial before the trial court.

6. In view of the same, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

7. The 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.

03.06.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

- 1.The Judicial Magistrate No.1, Mettur.
2. The Superintendent of Police,
Salem District.
3. The Inspector of Police,
Kolathur Police Station.
4. The Public Prosecutor, High Court, Chennai.



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P.VELMURUGAN, J

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