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CRL OP No. 32875 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 32875 of 2025
and Crl.M.P.Nos.22936 & 22937 of 2025**

K.Manivannan

Petitioner

Vs

1. The State, Rep by
The Inspector of Police, K-10,
Koyambedu Traffic Investigation Wing,
Chennai - 600 107.
2.Sathishkumar

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS Act, 2023, praying to call for the records in and connected with CC.No.1171 of 2024 on the file of VI Metropolitan Magistrate, Egmore.

For Petitioner(s): Mr. P.Narasimha Rao

For Respondent(s): Mr.S.Santhosh
Government Advocate (Crl.Side)
for R1

ORDER

This Criminal Original Petition has been filed praying to call for the records in CC.No.1171 of 2024 on the file of VI Metropolitan Magistrate, Egmore and to quash the same.



2. The brief facts of the case of the prosecution are that the petitioner is said to have driven a car bearing Reg.No.TN 12AW 1543 in a rash and negligent manner and dashed against the two wheeler bearing Reg.No.TN12AQ8256 at Nerkundram, Poonamallee High Road, resulting in the rider of the two wheeler sustaining injuries. Based on a complaint, the 1st respondent registered a case in Crime No.114 of 2023 for offences under Section 279 and 338 of IPC. After completing the investigation, final report was filed by the 1st respondent police and the case is pending in C.C.No.1171 of 2024 on the file of the learned VI Metropolitan Magistrate, Egmore and the present petition has been filed to quash the said proceedings.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and the dash board camera fixed by the petitioner which has recorded the entire incident would show that he is not responsible for the accident and he has not driven the car in a rash and negligent manner. However, the respondent police, without taking into consideration the said fact, filed the case against the petitioner holding that he is responsible for the accident and had driven the vehicle in a rash and negligent manner. Therefore, the learned counsel for the petitioner would pray for quashing C.C.No.1171 of 2024.



4. The learned Government Advocate (Criminal Side) appearing for the 1st respondent would submit that the petitioner has filed Crl.M.P.No.1229 of 2025 seeking discharge from the proceedings in C.C.No.1171 of 2024 and the same is pending.

5. Taking note of the above submissions, this Court is of the considered view that the petitioner has to prove his innocence by showing that he has not driven the vehicle in a rash and negligent manner. It is for him to prove his innocence during trial. Therefore, this petition for quash cannot be entertained.

6. Along with this Criminal Original Petition for quash, the petitioner has also filed Crl.M.P.No.22937 of 2025 praying to dispense with his personal appearance before the trial court. It is submitted by the learned counsel for the petitioner that the petitioner's presence may be dispensed with as the Calendar Case is of the year 2024 and further the learned trial Judge may be directed to complete the trial within a specified period.

7. Acceding to the submission of the learned counsel for the petitioner, the presence of the petitioner before the trial court is dispensed with except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C.,



passing of judgment, or any other date as may be required by the trial Court.

The petitioner shall be duly represented by his counsel before the trial Court on all hearing dates.

8. The learned Trial Judge is also directed to complete the trial as expeditiously as possible preferably within six months. The petitioner shall cooperate for speedy disposal of the trial.

9. While directing so, this Court is cognizant of the judgment of a Constitution Bench of the Supreme Court, in the case of ***High Court Bar Association, Allahabad vs. State of Uttar Pradesh*** reported in (2024) 6 SCC 267, wherein, it was held that the constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other court and that time limit can be fixed for disposal of cases only in exceptional circumstances. The relevant portion of the said decision for the sake of ready reference is reproduced below:

"47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional



circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending."

(emphasis supplied by this Court)

10. It has also been held in the aforesaid extracted portion that in exceptional circumstances, constitutional courts may issue directions for time bound disposal of cases. Keeping in mind the facts of this case, this court has given direction for expeditious disposal of the case.

11. The criminal original petition is dismissed with the above observation. Crl.M.P.No.22937 of 2025 is ordered on the above terms. Crl.M.P.No.22936 of 2025 is closed.

04-12-2025

nvsri

Neutral Citation: Yes/Nop



A.D.JAGADISH CHANDIRA, J.

nvsri

To

1. The Inspector of Police, K-10,
Koyambedu Traffic Investigation Wing,
Chennai - 600 107.
2. The learned VI Metropolitan Magistrate, Egmore.
3. The Public Prosecutor
High Court of Madras.

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