



Crl.O.P.(MD)No.1663 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.1663 of 2024

and

Crl.M.P.(MD).Nos.1175 and 1176 of 2024

Nirmal Singh

... Petitioner/Sole Accused

Vs.

1.State rep. by,
The Inspector of Police,
V.K Pudur Police Station,
Tirunelveli District.
In Crime No.43/2020

... 1st Respondent/Complainant

2.Muthiah Samy

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records relating to the charge sheet in S.T.C No. 941 of 2022 on the file of the learned Judicial Magistrate Court, Alangulam and quash the same in respect of the petitioner.

For Petitioner : Mr.A.Balaji

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R-2 : No appearance



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ORDER

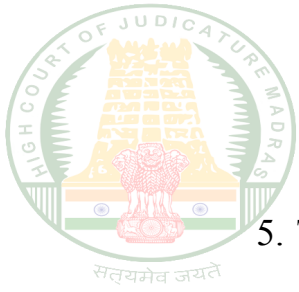
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The petitioner seeks to quash the final report filed in S.T.C.No.941 of 2022 on the file of the learned Judicial Magistrate, Alangulam for the offences under Section 279 and 338 IPC.

2. The allegation in the final report is that the petitioner drove his vehicle in a rash and negligent manner and dashed against the two wheeler of the victim and caused grievous injuries to the victim.

3. The learned counsel for the petitioner would submit that the allegations do not attract the offences alleged; that the witnesses cited by the prosecution are not eye witnesses; and that in fact, the petitioner was the complainant and without proper investigation, the first respondent has filed a final report against the petitioner.

4. The learned Additional Public Prosecutor per contra submitted that the victim had sustained grievous injuries and hence, the impugned final report is justified; that 8 witnesses have been examined; that the question as to whether the statements of those witnesses can be believed or not cannot be adjudicated in a quash petition and sought for dismissal of this petition.



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5. The points raised by the petitioner are factual in nature. The question as to whether those 8 witnesses can be believed or not cannot be adjudicated in this quash petition. Even assuming that the petitioner had lodged the complaint, the first respondent can file a final report against the petitioner, if during the course of investigation, it is shown that the petitioner was involved in the offence. Therefore, there is no infirmity in the final report. However, the petitioner is at liberty to raise all these grounds before the learned Magistrate. Accordingly, the Criminal Original Petition is dismissed.

6. The learned counsel for the petitioner submits that the petitioner is working as a teacher in the Government School and therefore, his appearance before the Trial Court may be dispensed with.

7. Considering the above submission, the appearance of the petitioner before the Trial Court is dispensed with except when his appearance is required for the progress of trial by the learned Magistrate. Consequently, connected Crl.M.P.(MD).No.1175 of 2024 is closed.

10.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

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- To
- 1.The Judicial Magistrate Court, Alangulam.
 - 2.The Inspector of Police,
V.K Pudur Police Station,
Tirunelveli District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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