



CRL.OP(MD) NO.2301 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.2301 of 2025

Kannan

... Petitioner/Sole accused

vs.

1.The State
Rep. by the Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
(Cr.No.116 of 2024)

2.Dorge

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records pertaining to the First Information Report in Crime No.116 of 2024 dated 06.06.2024 on the file of the first respondent police and quash the same as illegal.

For petitioner : Mr.B.Mahendrarajan

For Respondents : Mr. M.Sakthi Kumar
Government Advocate (Crl) for R1



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ORDER

This petition has been filed by the petitioner to call for the records pertaining to the First Information Report in Crime No.116 of 2024, dated 06.06.2024 on the file of the first respondent police and quash the same.

2. The learned counsel for the petitioner would submit that as per the prosecution, on 06.06.2024, at about 9:00 p.m., the son of the defacto complainant and his friends drove a motor bike, bearing registration No.TN-65-AD-0589. At that time, this petitioner came in the opposite side in a rash and negligent manner in the motor cycle, bearing registration No.TN-65-P-7552 and dashed against the son of the defacto complainant, thereby, his son sustained injuries. Therefore, he lodged the complaint. Based on that complaint, FIR has been registered for the offences under Sections 279 and 337 of IPC. In fact, there is no fault on the part of the petitioner and further, without conducting any enquiry, the first respondent police registered the FIR. He would further submit that the negligence is on the part of the son of the defacto complainant. Therefore, the present FIR is abuse of process of law and is liable to be quashed.



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3. The learned Government Advocate (Crl) for the first respondent police would submit that in this case, based on the complaint given by the defacto complainant, they registered the FIR in Crime No.116 of 2024 for the offences under Sections 279 and 337 of IPC. Thereafter, they conducted investigation and as per the investigation, there are *prima facie* material available to proceed the case, hence, charge sheet has been filed on 03.01.2025. As per the charge sheet, there are some materials available as against the petitioner. Therefore, at this stage, this petition is liable to be dismissed.

4. This Court heard both sides and perused the records.

5. This petition is filed to quash the FIR. However, as per the first respondent police, already they conducted elaborate investigation and filed Final Report. Therefore, it is for the petitioner to challenge the Final Report, if he is aggrieved. Even according to the contents of the FIR and complaint, there are some allegations to constitute offences. Therefore, this petitioner is not entitled to get the relief as prayed for.

6. The learned counsel for the petitioner, during his arguments,



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requested that this Court may direct the learned Judicial Magistrate, Rameshwaram to take the charge sheet on file and to pass appropriate orders on merits within stipulated time.

7. According to the first respondent police, on 03.01.2025 itself, the charge sheet was filed. Therefore, the learned Judicial Magistrate, Rameshwaram is directed to expedite the proceedings as early as possible without any delay.

8. With the abovesaid observations, this Criminal Original Petition is disposed of.

06.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1. The Judicial Magistrate,
Rameshwaram.

2. The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

apd

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