



CrI.O.P.(MD)Nos.7644 and 19719 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)Nos.7644 and 19719 of 2024
and

CrI.M.P.(MD)No.5347 of 2024 in CrI.O.P.(MD)No.7644 of 2024

CrI.O.P.(MD)No.7644 of 2024:-

Karthiyeswaran

... Petitioner

Vs.

The State, Rep. through,
The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai.
(Crime No.155 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the F.I.R. in Crime No.155 of 2023 on the file of the respondent Police and quash the same.

For Petitioner : Mr.V.Uthayakumar

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



Crl.O.P.(MD)Nos.7644 and 19719 of 2024

Crl.O.P.(MD)No.19719 of 2024:-

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1.Minor. S.Yogesh,
Rep. by his father / Natural Guardian
Thiru.Surendrakumar

2.I.Nivas

3.P.Abinesh

... Petitioners

Vs.

The State, Rep. through,
The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai.
(Crime No.155 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the impugned F.I.R. in Crime No.155 of 2023, pending on the file of the respondent Police and quash the same.

For Petitioners : Ms.M.Janani Priya

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed invoking Section 482 of Cr.P.C., seeking orders to quash the proceedings in Crime No.155 of 2023, pending on the file of the respondent Police.



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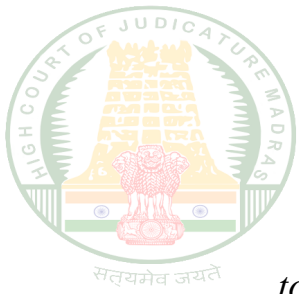
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2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 12.11.2024, which reads as follows:-

"The petitioners/Accused Nos.4, 3, 5 and 7 in Crime No. 155 of 2023, for the offences under Sections 279 and 290 I.P.C. and Sections 184 and 177 of the Motor Vehicles Act, 1988, have filed these quash applications.

2. The case against the petitioners is that on 25.02.2023, the Sub-Inspector of Police of Thallakulam Police Station, along with his team, while patrolling the area, found that the petitioners and other accused were riding two-wheelers (bearing Registration Nos.TN-58-BH-8515, TN-59-CF-9277, and TN-37-DH-4917) in a rash and negligent manner. They were also using their mobile phones while riding, creating a huge noise, performing stunts such as "wheelies," and instilling fear in the public. As they recorded the incident using photos and videos on their mobile phones and also took selfies, the respondent Police apprehended the accused, enquired them and registered the case.

3. The contention of the learned counsels for the petitioners is that the petitioners, who are college students, most of whom are volleyball players and often play games

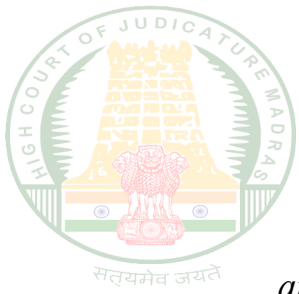


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together, were not causing any rash or negligent riding on 25.02.2023. They further submitted that the petitioners were not riding their two-wheelers in a reckless manner or creating a public nuisance. In fact, no members of the public had lodged any complaints about the petitioners riding their two-wheelers dangerously. Since the petitioners were found riding their two-wheelers together as a group, when the respondent police questioned them, they responded defiantly. Fearing police repercussions, they fled the scene with their vehicles. This is now being portrayed against them, with the accusation that they were performing wheelies in a public place.

4. The learned Additional Public Prosecutor submitted that the de-facto complainant is none other than the Sub-Inspector of Police, who has no motive against the petitioners. The petitioners, all young individuals, riding together three two-wheelers, performing wheelies and creating nuisance, which caused fear among the public. Not only were they causing fear, but also disturbing the public. It is on their own best interest to refrain from such activities. All of them are young, with a bright future ahead, and they are athletes in good health. However, in the event of any mischief or accident, they could suffer injuries or fractures that might permanently affect their health, possibly leading to lifelong consequences. Such injuries could impact their ability to lead a normal, happy life



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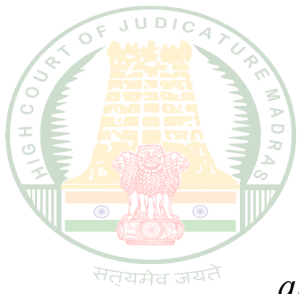
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and also hinder their future prospects.

5. He further submitted that in many high-speed accident cases, damage to the nervous system often results in the patient becoming paralyzed and motionless, requiring lifelong dependency on others. In some cases, the individual may lose consciousness and suffer permanent consequences. In light of this, such reckless actions cannot be condoned. The petitioners should be held responsible and to ensure that they do not engage in such activities in the future.

6. The petitioners in these cases appeared before this Court today, accompanied by their parents. It is noted that all of them are in their first year of college in Engineering stream, one of them pursuing a course in Visual Communication (Viscom). The parents pleaded for clemency and assured the Court that their children will refrain from engaging in any further activities of misadventure. They also affirmed that the petitioners are focused on their studies and are in the early stages of their academic careers.

7. Considering that the petitioners are all college students, and that the incident occurred a year ago with no subsequent adverse remarks against them, this Court directs that all the accused visit the trauma ward for a day. This will



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allow them to witness firsthand the damage caused by motor accident injuries to both to the rider and to the public, and to understand the trauma experienced by the victims.

8. In view of the above, this Court directs all the accused to visit the Government Rajaji Hospital, Madurai, on 17.11.2024 (Sunday), between 10:00 a.m. and 04:00 p.m. The respondent police are instructed to accompany them to the hospital and ensure that they are taken around the wards to witness the impact of accidents and the damage caused. Thereafter, the respondent police shall submit a report before this Court regarding the visit.

9. List on 20.11.2024."

3. Pursuant to the above said order, on 17.11.2024, the petitioners/accused persons visited the Government Rajaji Hospital, Madurai. They were taken to various places in the trauma ward, where they observed patients suffering from pain and injuries, and they enquired about the reasons for the injuries between 10:00 a.m. and 04:00 p.m. The respondent police submitted a report attested by the resident doctor of Rajaji Government Hospital, Madurai.



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4. In this case, it is seen that the petitioners/accused have now realized their mistakes, and their parents have also acknowledged that they did not properly monitor or keep track of their children, which led to certain misadventures. Now, all the petitioners are pursuing higher education in different colleges. Further, in this case, it is seen that no member of the public lodged a complaint or reported any obstruction to the free movement of people or vehicles in a public way.

5. In view of the above, this Court is inclined to quash the proceedings pending against the petitioners, as well as the other accused, who are similarly situated. Therefore, the case in Crime No.155 of 2023, pending against the petitioners and others, namely, Sakthivel, Yashin, Yogesh, Karthik, Nivash, Naren, and Abinesh, on the file of the respondent police, is hereby quashed. It is further clarified that this case shall not be cited against the petitioners or the other accused in any manner that affects their future education or employment-related matters.



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6. Accordingly, these Criminal Original Petitions are allowed.

Consequently, connected Miscellaneous Petition is closed.

21.01.2025

NCC : Yes / No

Index : Yes / No

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To

1.The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai.

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



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M.NIRMAL KUMAR, J.

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Common order made in
Crl.O.P.(MD)Nos.7644 and 19719 of 2024

Dated: 21.01.2025