



Crl.O.P.(MD)No.10365 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10365 of 2025 and
Crl.OP(MD) Nos.7754 & 7755 of 2025

Sahaya Rajith @ Rajith

... Petitioner

Vs

1.The State

Rep by the Inspector of Police,
Colachel Police Station,
Kanyakumari District.

2.Raju

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in pursuant to the charge sheet in CC No.256 of 2020, on the file of the Judicial Magistrate, Eraniel, Kanyakumari District and quash the same.

For Petitioner

: Mr.S.Muthu Malai Raja

For R1

: Mr.A.S.Abul Kalaam Azad
Government Advocate

ORDER

The petitioner has approached this Court to quash the proceedings in CC No.256 of 2020, on the file of the Judicial



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Magistrate, Eraniel, Kanyakumari District, insofar as this petitioner is concerned.

2.It is a case of fatal accident. The petitioner claims that he is the pillion rider of a two wheeler, which involved in a fatal accident. Without considering the same, the respondent police has registered a case as against this petitioner and also filed the final report as against the petitioner for the offence under Sections 279, 338, 304(A) IPC and Section 181(3) of Motor Vehicles Act, 1988. The learned counsel for the petitioner submits that the respondent police has failed to note that there are no ingredients fro the alleged offences under Sections 279, 338, 304(A) IPC and under Section 181(3) of Motor Vehicles Act, 1988 as against this petitioner. Therefore, the proceedings in CC No. 256 of 2020 has to be quashed.

3.Mr.Abul Kalaam Azad, learned Government Advocate (Crl.side), who takes notice for the first respondent submits that the grounds raised by the petitioner is a matter for trial.



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4.Heard the learned counsel on either side.

5.Though the petitioner has raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

20.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn

To

The Inspector of Police,
Colachel Police Station,
Kanyakumari District.



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B.PUGALENDHI,J

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Order made in
Crl.O.P.(MD)No.10365 of 2025 and
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