



Crl.O.P.(MD)No.22595 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22595 of 2024

and

Crl.M.P(MD) No.14098 of 2024

Vetri @ Vetriyarasan

.. Petitioner

Vs

1.State of Tamil Nadu,
Rep by The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District,
(Crime No.11 of 2024)

2.Palani

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the charge sheet filed against the petitioner in C.C.No.189 of 2024 on the file of the learned Judicial Magistrate No.II, Sivagangai in respect of the Crime No.11 of 2024 on the file of the first respondent police.

For Petitioner : Mr.V.Devakumar

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.189 of 2024 on the file of the learned Judicial Magistrate No.II, Sivagangai.

2.The case of the prosecution is that the petitioner drove his two wheeler bearing registration No.TN 63 BQ 4433 in a rash and negligent manner and dashed against the father of the second respondent. Hence, the case has been registered.

3.The contention of the petitioner in this case is that P.W.1 had categorically admitted in his evidence that only for the purpose of claiming compensation from the petitioner, the above case has been registered, which would clearly show that there is no rash or negligent driving on the part of the petitioner and the case itself is only for the purpose of getting compensation amount.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that 12 witnesses have been listed in this case and four witnesses have been examined and the eye witness was also



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examined. They have also supported the case of the prosecution. Now the case is posted for evidence of the Investigating Officer.

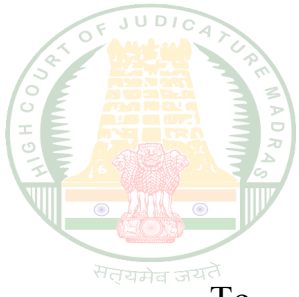
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5.Considering the submissions made by the either side, this Court is of the view that the petitioner has been highlighting the contradiction delivered by the witnesses before the trial court. In a quash application, it cannot be considered. The petitioners can avail the benefit of contradiction at the time of appreciation of the evidence by the trial Court and not before this Court. Further, now the substantial portion of the trial is completed and it is posted only for the examination of the Investigating Officer. Hence, this Court is not inclined to entertain this petition.

6.In view of the above, this petition is dismissed. However, liberty is granted to the petitioner to raise all these points at the time of his argument before the trial Court. Consequently, connected miscellaneous petition is closed.

31.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
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- 1.The Judicial Magistrate No.II, Sivagangai
- 2.The Inspector of Police,
Kanyakumari, Tamil Nadu-629 251.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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