



CrI.O.P(MD).No.22203 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

CrI.O.P(MD).No.22203 of 2024

and

CrI.M.P(MD)No.13856 of 2024

Alakarsamy

...Petitioner

Vs

1. The Inspector of Police
Karuppayoorani Police Station
Madurai

2. Kallanai

...Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BSNSS to call for the entire records pertaining to the Impugned First Information Report in Crime No.35 of 2024, dt.25.04.2024 on the file of 1st respondent and quash the same as illegal against the Petitioner

For Petitioner

: Mr.R.Senthil Kumar

For Respondent

: Mr.E.Antony Sahaya Prabhakar

No.1

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.35 of 2024, dt.25.04.2024 on the file of the first respondent police



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2. The contention of the petitioner is that the petitioner is the driver of the TNSTC bus and on 22.04.2024 while he was driving the bus in the national highways at that time the two wheeler driven by the deceased dashed against the bus, due to which one sustained injuries and other died. He would further submit that the petitioner is driving the bus following the traffic rules, hence sought for quashing the First Information Report.

3. The learned Additional Public Prosecutor strongly opposed the contention of the petitioner and submitted that a case has been registered for the offence under Sections 279 and Section 304 (A) of IPC. He further submitted that CCTV recordings would be collected in the place of occurrence and the same will be considered at the time of filing charge sheet. In view of the same, the contention of the petitioner cannot be taken on face value and it has to be tested only during trial . The grounds taken by the petitioner are factual in nature. He further submitted that if the contention of the petitioner is found to be acceptable proper action would be taken. He further submitted that in this case substantial portion of the investigation is over and after receiving the report from the Motor Vehicle Inspector and doctor the charge sheet will be filed within a period of two months.



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4. Taking into consideration the fact the case is under the stage of

examination of witnesses and at this stage this case cannot be entertained.

Further other points raised by the petitioner have to be gone into full fledged trial and the mixed question of facts cannot be decided under Section 482 of Cr.P.C, hence this Court is not inclined to quash the proceedings. Further the petitioner is also directed to give the CCTV recordings if any collected by him to the respondent police. Accordingly the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. Further the respondent police is directed to file final report before the concerned Court within a period of two months from the date of receipt of a copy of this order.

29.01.2025

NCC : Yes/No

Internet : Yes/No

Index : Yes/No

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To

1. The Inspector of Police
Karuppayoorani Police Station
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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