



Crl.O.P(MD).No.22579 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM:

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

Crl.O.P(MD).No.22579 of 2024

and

Crl.M.P(MD)No.14081 of 2024

Vijayakumar

...Petitioner

Vs

1. The Inspector of Police
Parthibanoor Police Station
Ramanathapuram District

2.Ramachandran

...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.152 of 2024, dated 03.09.2024, on the file of first respondent and quash the same as illegal against the petitioner

For Petitioner
For Respondent
No.1

: Mr.D.Ajay Priyan
: Mr.K.Sanjai Gandhi
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.152 of 2024 on the file of the first respondent police



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2. The contention of the petitioner is that the petitioner is an driver who is employed in Tamil Nadu State Transport Corporation. On 27.08.2024 at about 6.30 am., while he was driving a bus bearing Reg. No. TN 63 N 1997 from Madurai to Rameshwaram and while he was near Parthibanoor the TVS XL bearing Reg.No.TN 63 AA 6378 had suddenly crossed the road and the rider of the two wheeler lost his stand, fell down and sustained injuries and thereafter he was taken to hospital and later discharged from the hospital. After the death of the rider of the vehicle the case has been registered as against the petitioner as though the death was due to road accident. The petitioner under the Right to Information Act had collected details from the State Transport Authorities wherein the Transport Corporation Traffic Investigation Wing confirms that is the rider of the two wheeler who suddenly crossed the road and he is reason for the accident and not the petitioner herein and further the death is not due to the accident. He further submitted that he has sent a representation to the respondent police on 06.09.2024 but no action has been taken, hence the above petition has been filed.

3. The learned Additional Public Prosecutor submitted that in this case First Information Report has been registered for the offences under



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Sections 281 and 106(1) of BNS for rash and negligent driving and for cause of death. The injured got admitted in the hospital, took treatment and later died. The contention raised by the learned counsel appearing for the petitioner are factual in nature. The representation of the petitioner will be considered at the time of filing final report. The contention of the petitioner can be decided later and if the reason for the death is found to be true as stated by the petitioner appropriate action would be taken.

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 pointed 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. Accordingly the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

5. With the above direction, the Criminal Original Petition stands disposed of.

31.01.2025

NCC : Yes/No

Internet : Yes/No

Index : Yes/No

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1. The Inspector of Police
Parthibanoor Police Station
Ramanathapuram District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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