



Crl.OP.No.216 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.216 of 2026
and
Crl.MP.Nos.177 & 178 of 2026

Janaki Prabu

...Petitioner

Vs.

1. State rep. by,
The Inspector of Police,
SIPCOT Police Station,
Hosur, Krishnagiri.
(Crime No.38 of 2024)

2. Ashwathappa

...Respondents

Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the records in Final Report in CC.No.86 of 2025 on the file of the learned Judicial Magistrate No.2, Hosur and quash the same.

For Petitioner : Mr.M.Velan

For Respondents : Mr.S.Santhosh, GA(Crl. Side), for R1



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ORDER

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This criminal original petition has been filed seeking quashment of the Final Report in CC.No.86 of 2025, pending on the file of the learned Judicial Magistrate No.2, Hosur.

2. Based on the complaint given by the 2nd respondent/de facto complainant, an FIR in Crime No.38 of 2024 came to be registered on the file of the 1st respondent for the offences under Sections 279, 337 and 304(A) of IPC and on completion of investigation, the final report came to be filed before the learned Judicial Magistrate No.2, Hosur for the offences under Sections 279 and 304(A) of IPC as against the petitioner and the same was taken on file in CC.No.86 of 2025. Challenging the same, the petitioner has come up with this petition.

3. Learned counsel for the petitioner submitted that the petitioner is the actual victim in this case and the son of the 2nd respondent/de facto complainant, without possessing any valid license, drove the vehicle in a rash and negligent manner along with his friend and dashed against the petitioner's vehicle, due to which, the petitioner sustained grievous injuries



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and was hospitalised for the period from 04.02.2024 to 10.02.2024 and even after being discharged from the hospital, the petitioner was bed ridden for a period of about six months. He further submitted that the 2nd respondent/de facto complainant is not the eye witness to the occurrence and the 1st respondent-police, without conducting a proper investigation, filed the present final report against the petitioner, which is wholly unsustainable. He also submitted that the ingredients for attracting the alleged offences under Sections 279 and 304(A) of IPC have not been established. Accordingly, he prayed for quashing the impugned proceedings in CC.No.86 of 2025, pending on the file of the learned Judicial Magistrate No.2, Hosur.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that though the 2nd respondent/de facto complainant is not an eye witness to the accident, there are other witnesses to the occurrence, who would speak about the incident. He further submitted that whether the petitioner is an accused or a victim is a matter for trial and the same cannot be adjudicated before this Court under Section 482 of Cr.P.C. and the proceedings cannot be quashed at this stage and necessarily, the petitioner has to face the trial.



5. Heard the learned counsel on either side and perused the materials available on record.

6. Though very many grounds have been raised by the learned counsel for the petitioner that the 2nd respondent/de facto complainant is not the eye witness to the occurrence and that the petitioner is the actual victim and he was bed ridden for about six months due to the injuries sustained by him at the time of accident, as rightly pointed out by the learned Government Advocate (Crl. Side), the said grounds raised by the learned counsel for the petitioner are matter for trial and the same can be appreciated only during the trial and not before this Court under Section 482 of Cr.P.C., particularly, when it is the claim of the prosecution that there are other direct witnesses to the occurrence in order to substantiate the prosecution case. Therefore, this Court is not inclined to interfere with the impugned proceedings.

7. At this juncture, the learned counsel for the petitioner sought indulgence of this Court to dispense with the presence of the petitioner before the trial court.



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8. Acceding to the submissions made by the learned counsel for the petitioner, the presence of the petitioner before the trial court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 of Cr.P.C. The petitioner shall be duly represented by his counsel before the trial court on all hearing dates and it is made clear that the petitioner shall be present before the trial court at the time of identification. Further, considering the facts and circumstances of the case, this Court directs the trial court to complete the trial proceedings in CC.No.86 of 2025 as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of this order and the petitioner is at liberty to raise all these grounds before the trial court.

9. While directing so, this Court is not oblivious of the judgment of the Hon'ble Supreme Court in the case of ***High Court Bar Association, Allahabad vs. State of Uttar Pradesh*** reported in (2024) 6 SCC 267, the relevant portion of which reads as under:

"47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts."



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Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending.
(emphasis supplied by this Court).

10. This criminal original petition stands dismissed accordingly. As far as the stay petition in Crl.MP.No.177 of 2025 is concerned, the same stands closed. Crl.MP.No.178 of 2025, which is filed for dispensing with personal appearance is ordered in the above terms.

12.01.2026

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The Judicial Magistrate No.2,
Hosur.

2. The Inspector of Police,
SIPCOT Police Station,
Hosur, Krishnagiri.

3. The Public Prosecutor,
Madras High Court, Chennai.

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A.D.JAGADISH CHANDIRA, J.

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