



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 22-06-2026**

CORAM

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**CRL OP No. 15686 of 2026  
and CrI.M.P.Nos.10240 & 10242**

Kalaimani  
S/o.Marimuthu,  
No.70/85, Kattapomman Street,  
Virugambakkam,  
Ganthi Nagar main road,  
Chennai-600 092.

..Petitioner(s)

Vs

1. The State rep.by  
The Inspector of Police,  
TIW-Poonamallee Police Station,  
Avadi City,  
Chennai.  
Cr.No.588 of 2022.
2. Lakshmanan  
S/o.late.Chinnappan,  
No.2/97, DRR nagar,  
Kattupakkam,  
Poonamallee,  
Chennai-56.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of BNSS to call for the entire records in pursuant to the CC.No.724 of 2023 on the file of the learned Judicial Magistrate-II, Poonamallee, Tiruvallur district and quash the same.

For Petitioner(s): R.Subramanian

For Respondent(s): M/S.A. AMARNATH GA (CRL. SIDE) for R1



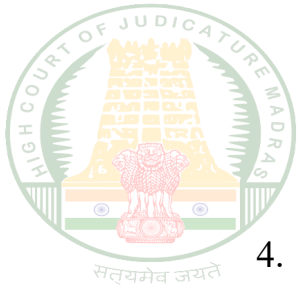
## **ORDER**

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The petitioner / accused facing trial in C.C.No.724 of 2023 filed for the offences punishable under Section 279 and 304(A) of IPC, had filed this quash petition.

2. The case of the prosecution is that on 15.08.2022 at about 7.15 p.m. when the petitioner was riding his two wheeler namely Scooty Zest, from Mount Road to Poonamallee, he dashed against the father of the defacto complainant who was a pedestrian proceeding from South to North. Due to which, the deceased sustained serious injuries on his head, leg and knees and thereafter, he was taken to KMC Hospital and he died on 20.08.2022. Hence, a case has been registered against the petitioner. After conclusion of the investigation charge sheet has been filed by listing L.W.1 to L.W.13.

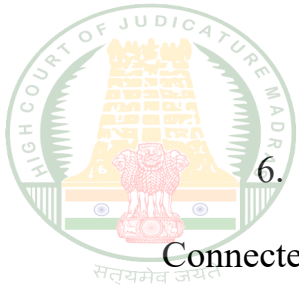
3. The contention of the petitioner is that when the petitioner was proceeding from East to West, the deceased had suddenly crossed the road from South to North and hence he had contributed to the accident. Further, he was taken to hospital and after five days, he died. The accident had occurred only due to the sudden entry of the deceased in the middle of the road. The petitioner was riding his two wheeler in normal speed. Since the victim had died, a case has been registered against him.



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4. The learned Counsel for Govt. of Tamil Nadu appearing for R1 strongly opposed the contention of the petitioner and submitted that on the complaint, a case has been registered and there are eye witnesses to the accident namely L.W.1 and L.W.2 who were present near the accident spot and they have clearly stated about the manner in which the accident had taken place. He further submitted that the rough sketch confirms that the deceased was in the edge of the road and it was the petitioner who had dashed against him. It is not the case that the victim had suddenly intruded into the middle of the road. The points raised by the petitioner are factual and the same has to be decided during trial and not in a quash petition.

5. Considering the submissions and upon perusal of the materials, this Court is of the view that the points raised by the petitioner are factual and the same has be decided during trial. Hence this court is not inclined to quash the proceedings in C.C.No.724 of 2023. It is made clear that the observations made in this case are limited to the disposal of this petition and the trial Court has to proceed with the trial on its own merits. The petitioner is said to be a Trainee working in a Motor Company. If any dispensation petition is filed by the petitioner, the same has to be considered liberally.



6. In view of the above, this Criminal Original Petition is dismissed.

Connected miscellaneous petitions are closed.

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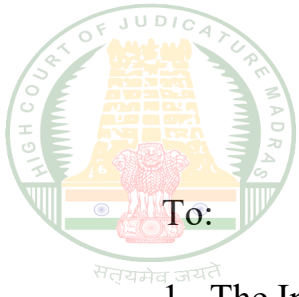
**22-06-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

BKN



1. The Inspector of Police,  
TIW-Poonamallee Police Station,  
Avadi City,  
Chennai.  
Cr.No.588 of 2022.
2. Judicial Magistrate-II, Poonamallee, Tiruvallur
3. Public Prosecutor, Madras High Court



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**M.NIRMAL KUMAR, J.**

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**22-06-2026**