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CRL OP No. 15519 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15519 of 2026

K.Saravanakumar

..Petitioner(s)

Vs

1. State by
The Inspector of Police
Mangalam Police Station,
Tiruppur.
Crime No.215 of 2026

2. Hakkeem

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records of FIR in Crime No.215 of 2026 dated 10.06.2026 on the file of 1st respondent herein and quash the same.

For Petitioner(s):

Mr.N.Manokaran
for Mr.N.Ponraj

For Respondent(s):

Mr.R.Rajasekaran
Counsel for Government of Tamil Nadu
(Criminal Side)

Mr.R.T.L.Chandar for R2



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ORDER

The petitioner/accused in Crime No.215 of 2016 on the file of the respondent Police, registered for the offences under Sections 281, 125(a) and 110 BNS, has filed the present quash petition.

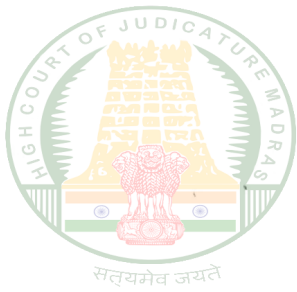
2.The case of the prosecution is that, on 10.06.2026, the 2nd respondent/*de facto* complainant appeared before the respondent Police and lodged a complaint stating that, on 10.06.2026 at about 07.00 p.m., when we was riding his two wheeler bearing Registration No.TN-42-R-9038 from Mangalam to Palladam Road, from West to East direction, near Sankara Snacks Shop, a Car bearing Registration No.TN-37-DH-9119 coming from Palladam towards Mangalam, came in a rash and negligent manner and dashed against his two wheeler. Due to the said impact, the 2nd respondent sustained injuries on his hand and hip. The petitioner, who was driving the Car, was drunk. Hence, the complaint. Pursuant to the complaint, the respondent Police registered a case in Crime No.215 of 2016 for the offences under Sections 281, 125(a) and 110 BNS as against the petitioner. To quash the same, the present Criminal Original Petition has been filed.



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3. Learned counsel for the petitioner submitted that the petitioner was apprehended by the respondent Police based on the complaint of the 2nd respondent/*de facto* complainant and thereafter, he was taken to Tiruppur Government Medical College Hospital and was examined. It was recorded that the petitioner had consumed alcohol and hence, he was remanded in this case. However, it is the contention of the petitioner that the records show that the petitioner had consumed alcohol, but was not under the influence of alcohol. The learned counsel further submitted that, during remand, the *de facto* complainant had appeared and confirmed that he saw a Scorpio Car driven by the petitioner coming in a high speed and hence, he moved to the left side of the road, slipped and fell down and there was no impact between the two vehicles and there was no damage to his vehicle also. Despite the same, the Court had remanded the petitioner. The *de facto* complainant, finding that the petitioner had been remanded for no fault of him, and since there was no impact of vehicle and accident, has come forward to withdraw the complaint.

4. The affidavit of the 2nd respondent/*de facto* complainant is produced before this Court, which is scanned and reproduced hereunder :



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IN THE HIGH COURT OF JUDICATURE OF MADRAS
(Criminal side Jurisdiction)

CRL.O.P.No 15519 OF 2026
In

Crime No. 215 OF 2026

(On the file of Inspector of Police, Mangalam Police Station, Tiruppur District)

K. Saravanakumar M/49 Years
S/o.Kandasamy
4/12, Sengaliappan Nagar
Sulur
Coimbatore District

- Petitioner/ Sole Accused

-Vs-

1.State by
The Inspector of Police
Mangalam Police Station
Tiruppur District
(Crime No. 215 of 2026)

- Respondent/Complainant

2. Hakkeem
S/o. Asalmuhammed
314, Indian Nagar 2nd Street
Ganapathypalayam
Palladam Taluk
Tiruppur -Respondent/Defacto Complainant

AFFIDAVIT OF HAKKEEM / 2ND RESPONDENT

I, Hakkeem, Son of Asalmuhammed, aged 56 years, residing at
314, Indian Nagar, 2nd Street, Ganapathypalayam, Palladam Taluk,
Tiruppur District, now temporarily come down to Chennai, do hereby
solemnly affirm and sincerely state as follows;

ਅਧਿਕਾਰੀ



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1. I am the 2nd Respondent herein and named as the Defacto Complainant in the above Crime No. 215 of 2026 on the file of 1st Respondent. As such I am well acquainted with facts and circumstances of the case.

2. I submit that I am an illiterate person and do not know to read and write except writing my name. I am a man of virtue and have been following the path of Dharma shown in Quran. On 10.06.2026 I met with an accident while I was riding my two wheeler bearing Registration No. TN 42 R 9038 on a Road opposite to Sankara Snacks at Mangalam to cross the road from west to east. While applying the brake of my bike in a bid to avoid dashing against the petitioner's car, I myself fell down from my two wheeler. However, the 1st Respondent police took me and the petitioner to the police station along with our vehicle.

3. I submit that when the fact be so, some misunderstanding arose between me and the petitioner. Later, I have realised my mistakes and compromised the issue with a sorry. While so, when I was in a hospital named AMC Super Speciality hospital at Tirppur to check out

A 22/6/26

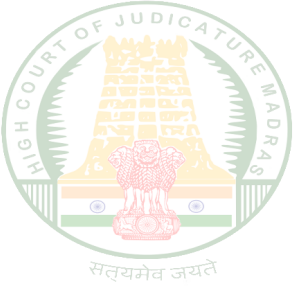


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as to whether I sustained any serious injuries, the 1st Respondent police pressurized me to put my sign in a paper by saying that it is necessary for returning my vehicle. Believing the same as true, I put my sign in a paper and later, it was come to know that the 1st Respondent registered FIR in Crime No. 215 of 2026 with some incorrect facts and details for the offence under sections 281, 125 (a) and 110 of BNS. I was shocked to know the contents and words in the FIR and requested the 1st Respondent to withdraw the FIR. But It was refused. In fact, I did not even know the meaning of the many words in FIR and that I have been explained of those words now only.

4. I submit that though the petitioner was stranger to me before the accident, his genuine care and good heart enticed me and we developed friendships. In such circumstances, after knowing the above FIR, I could not attend my day today activities as my conscious disturbs me. In these circumstances, as the dispute has been completely compromised with a mutual sorry and peace has been restored, the continuation of investigation and trial against the petitioner would spoil the present smooth and good relationship between us. Hence, I am not interested to proceed with the above

A 27/8/2026



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complaint. While the fact being so, the 1st Respondent police is continuing the investigation which will be an exercise in futility and affect our harmonious relationship. Hence, I am coming forward to give consent to quash the above FIR against the petitioner herein in Crime No. 215 of 2026 on the file of the 1st Respondent without any coercion, compulsion and undue influence etc.

It is therefore prayed that this Hon'ble Court may be pleased to treat this Supporting affidavit along with the above Memorandum of Quash petition and quash the FIR in Crime No. 215 of 2026 dated 10.06.2026 on the file of 1st Respondent and thus render justice.

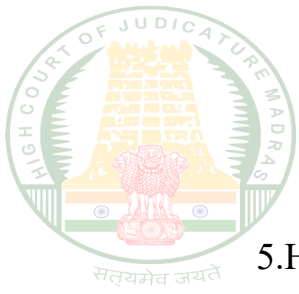
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Solemnly affirmed at Chennai, on this 18th day of June, 2026 and all the above contents are explained in Tamil to the deponent and the deponent understood the same and put his Signature in my presence

BEFORE ME

ADVOCATE, CHENNAI

K. S. Sankar
30/5/2026No. 18/2, Puff Subramanian
Street, K. P. Road,
Chennai.
(F. 11548340)



5.Hence, the learned counsel for the petitioner submitted that, continuation of the criminal case as against the petitioner is a futile exercise and prayed for quashing of the same.

6.Learned Government Counsel (Criminal Side) appearing for the 1st respondent Police produced the Certificate of Drunkenness and further, submitted that the petitioner's blood and urine samples have been taken for analysis and sent to Coimbatore Government Hospital. He submitted that the petitioner is the Commissioner of Municipal Commissioner and though he was drunk, the Medical Certificate shows that he was not under the influence of alcohol.

7.The 2nd respondent/*de facto* complainant appeared before this Court, who is identified by Mr.C.Kannan, Special Sub-Inspector of Police, Mangalam Police Station, Tiruppur. On enquiry, he confirmed that he saw the petitioner's vehicle coming with a high speed and hence, he moved aside, slipped and fell down and he had no serious injuries. There was no damage to his vehicle. Since he was suffering from pain, he had gone to a private nursing home and took treatment. This fact, he had also informed before the remanding Magistrate. Further, in support of his affidavit, he further reiterated that he is not inclined to proceed with the case against the petitioner and he had also given



a letter to the respondent Police for withdrawal of the case.

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8. Considering the submissions and on perusal of the materials, it is seen that the petitioner might have had consumed alcohol, but he was not under the influence of alcohol. That is the medical report. Further, driving a vehicle consuming alcohol might be an offence under Sections 281 and 125(a) BNS, but not under Section 110 IPC. Further, now, the *de facto* complainant himself had appeared and reiterated that there was no impact of vehicles and there was no accident. In view of the same, this Court finds that, continuation of the proceedings will serve no purpose and it is only an abuse of process of law.

9. One important issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioners. The Hon'ble Supreme Court, in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat*, reported in **(2017) 9 SCC 641**, has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C. (corresponding to Section 528 BNSS), to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with



overriding public interest even if they get settled between the parties, cannot be quashed by this Court.

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10.However, in the present case, the offence in question is a road accident, no vehicles damaged, no one injured. Therefore, quashing the proceedings will not affect any overriding public interest in this case and no useful purpose will be served in continuing the criminal proceedings. In view of the above, this Court is inclined to quash the proceedings pending against the petitioner.

11.In view of the above, this Criminal Original Petition is allowed and the case as against the petitioner in Crime No.215 of 2026 on the file of the respondent Police, is hereby quashed. The affidavit filed by the 2nd respondent/*de facto* complainant shall form part of the records.

12.It is informed that the petitioner is now confined in Central Prison, Coimbatore. In view of the quashing of the FIR as against the petitioner, the petitioner is ordered to set at liberty.

18-06-2026

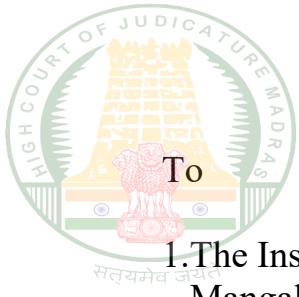
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry : Issue order copy on 19.06.2026.



To

1. The Inspector of Police
Mangalam Police Station,
Tiruppur.

2. The Public Prosecutor,
High Court, Madras.

3. The Superintendent,
Central Prison,
Coimbatore.



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M.NIRMAL KUMAR J.

MKN

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