



Crl.O.P.(MD) No.18131 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18131 of 2024

Vishnu Dhas

... Petitioner

-VS-

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(Crime No.293 of 2024)

2.P.Abiraham

3.Veeraputhiran

... Respondents

Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to call for the records and quash the proceeding of the First Information Report in Crime No.293 of 2024, dated 12.09.2024, on the file of the first respondent Police.



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For Petitioner : Mr.R.J.Karthick
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal side)
For R2 and R3 : Mr.L.Subramanian Kishore

ORDER

This Criminal Original Petition is filed to quash the First Information Report in Crime No.293 of 2024, for the offences under Sections 281 and 125(a) of the Bharatiya Nyaya Sanhita, 2023, on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent / de-facto complainant is in the business of buying old clothes. On 12.09.2024 at 06.10 a.m., when the second respondent / de-facto complainant was returning near North Elanthaikulam Junction on the Madurai - Tirunelveli National Highway, after collecting old clothes on his two wheeler bearing Registration No.TN-72-BK-8132, the petitioner came behind him in a vehicle bearing Registration No.TN-75-AS-7412, drove the vehicle in a rash and negligent manner and dashed against the second respondent/de-facto complainant, due to which, the second respondent sustained injuries on his head, left shoulder, right big toe and left ankle.



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3. The learned counsel for the petitioner submitted that the accident occurred due to the reckless driving of the second respondent, who suddenly entered the main road from the sidelines without any signal. The second respondent then collided with the vehicle driven by the petitioner and subsequently, the second respondent hit the two-wheeler of the third respondent. Since both riders sustained injuries, the petitioner immediately called for 108 Ambulance, and both were taken to the Hospital, where they received first aid treatment.

4. The learned counsel for the petitioner further submitted that although the petitioner helped the injured, he is now facing difficulties. As a Software Engineer, the petitioner is unable to take on on-site projects due to the pendency of the case, which is negatively impacting his career. In view of the circumstances, the petitioner explained his pitiable condition to respondents 2 and 3. After considering that the accident was not due to petitioner's fault, they agreed to withdraw the complaint against him and stated that they were no longer interested in pursuing the matter.



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5. The learned counsel for the petitioner submitted that, without prejudice to his rights, the petitioner, on humanitarian grounds, paid a sum of Rs.50,000/- to the second respondent by way of Demand Draft bearing No. 000017, dated 30.10.2024, drawn on HDFC Bank and a sum of Rs.3,00,000/- to the third respondent by way of Demand Draft bearing No.000018, dated 30.10.2024, also drawn on HDFC Bank. The learned counsel further submitted that a compromise memo is also filed and hence, prayed for quashing of the First Information Report registered against the petitioner.

6. The learned Additional Public Prosecutor for the first respondent submitted that the petitioner caused damage to two two-wheelers and injuries to respondents 2 and 3. The injured were admitted to the Hospital. It is not in dispute that the petitioner was driving the car. If the petitioner's claim is that he is not responsible for the accident, he must face trial and cannot compound the offence. In any event, since the victims have agreed to withdraw the complaint, the respondent Police has no objection.



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7. Today, when the matter is taken up for hearing, a Joint Memo of Compromise, dated 24.10.2024, produced before this Court. The petitioner, the Special Sub-Inspector of Police, Kayathar Police Station Mr.M.Subramanian, the second respondent/de-facto complainant and the third respondent / victim all present in person before this Court, identity of persons confirmed by the Special Sub-Inspector of Police.

8. When this Court specifically posed a question to both the respondents 2 and 3 whether they have filed any petition before the Motor Accident Claims Tribunal for compensation, they confirmed that they had not filed any petition. They have also agreed that the compensation amount paid by the petitioner is sufficient and acceptable to them.

9. Considering the above submissions, and on perusal of materials, it is evident that while the petitioner was driving the car on the highway, the second respondent suddenly entered the main road from the sidelines without any signal, contributing to the accident. This caused a collision with the third respondent's vehicle and resulted in injuries to him.



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WEB COPY 10. Considering that the petitioner, a Software Engineer, voluntarily paid compensation to respondents 2 and 3, and that they have accepted the compensation and agreed not to pursue the complaint further, I am of the view that this is a fit case as per the judgment of the Hon'ble Supreme Court of India in **Gian Singh vs. State of Punjab and another** reported in **2012 (10) SCC 303**, to exercise the power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and to quash the same.

11. Accordingly, this Criminal Original Petition is allowed. The case in Crime No.293 of 2024, on the file of the first respondent Police, stands quashed. The Memorandum of Compromise shall form part of the order.

NCC : Yes / No
Index : Yes / No
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05.11.2024

To:-

1.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.



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2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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