

Senthilkumar Vs The State Rep.by, The Inspector of Police,

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Court : Chennai

Decided On : Mar-16-2026

Judge : Honourable Mr Justice M. Nirmal Kumar

Appeal No. : CRL OP/6148/2026

Appellant : Senthilkumar

Respondent : The State Rep.by, The Inspector of Police,

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR & CrI.M.P. Nos. 4551 & 4552 of 2026 Senthilkumar S/o. Rajamanickam, 2, Rayiladi Street, Thirunellikaval, Tiruvarur. Petitioner(s) Vs

1. The State Rep.by,

The Inspector of Police, Tiruvarur Taluk Police Station, Tiruvarur District.

2.Rajamani W/o. Mahendran, Pudhu Theru, Komal, Tiruvarur.

Respondent(s) PRAYER Criminal Original Petition filed under Section

528 of BNSS to call for the records relating to CC.No.555 of 2025 against Cr.No.213 of 2024 pending on the file of the Judicial Magistrate, Thiruvapur and quash the same. For Petitioner(s): Mr.K. Murugananthan For Respondent(s): Mr. Leonard Arul Joseph Selvam Addl. Public Prosecutor for R1

ORDER

The petitioner/accused facing trial in C.C. No. 555 of 2025 for offences under Sections 279 and 304 A IPC has filed this quash petition.

2. The contention of the petitioner is that he is employed in State

Transport Corporation as a Driver; on 29.05.2024, at about 3p.m., he was driving the bus bearing Registration No. TN 68 N 0090 in Thiruthuraipoondi - Tiruvarur Road, proceeding from South to North; the deceased, who was in a drunken state and riding his bullet bearing Registration No. PY 02 R 4775, lost his balance, fell down and sustained injuries even prior to any impact by the petitioners bus. Since the deceased died on the road, it is alleged as though the petitioner had driven the bus in a rash and negligent manner, dashed against the two-wheeler driven by the deceased and caused the accident.

3. The petitioner would further state that L.W.s 2 and 3, namely, one

Arul Prakash and Poornachandran, who are projected as eye-witnesses, would state that when they were travelling in a bike, the deceased was riding his bike ahead of them and at that time, they saw the accident. L.W.s 4 and 5 are the witnesses to the Observation Mahazar and Rough Sketch; L.W.s. 6, 7, 8, 9, and 10 are the witnesses to the inquest report. L.W.11 is the Motor Vehicle Inspector, Regional Transport Office, Tiruvarur; L.W.12 is the Doctor, who conducted postmortem and L.W.s 13 to 16 are the Police personnel, i.e, L.W.13

is the Head Constable, who carried the dead body and handed over the same for postmortem, L.W.14 is the Special Sub Inspector of Police, who registered the FIR and L.W.s 15 and 16 are the Inspectors of Police, who conducted investigation in this case.

4. Learned counsel for the petitioner, referring to the Motor Vehicle

Inspectors Report, submitted that the Motor Vehicle Inspector inspected the bus on 31.05.2024 at about 3p.m. and the bike on 10.07.2024 at 1.40p.m. and found that there was no damage either to the bus or to the bike confirming that the bus had not dashed against the vehicle driven by the deceased as alleged. Further, referring to the Forensic Examination report dated 26.06.2024, wherein the Doctor had confirmed that the deceased /the rider of the bike had consumed alcohol and the quantity consumed was beyond the permissible limit, the learned counsel submitted that due to the influence of alcohol, the deceased fell down and sustained injuries. According to the learned counsel for the petitioner, the deceased had a fall from his bike on his own due to intoxication and not due to any impact with the bus or any accident attributable to the petitioner. The injuries sustained were on the right side. Besides, the deceased had also suffered head injuries. The opinion of the postmortem doctor is that the deceased died due to shock and haemorrhage owing to multiple injuries sustained, thus confirming that the petitioner was not the cause for the accident and the deceased did not die on account of any accident as projected.

5. Learned Additional Public Prosecutor submitted that in this

case, there are eye witnesses namely, L.W.s 2 and 3, who had seen the deceased riding his two-wheeler ahead of them; the petitioner driving the bus in a rash and negligent manner; the deceased sustaining injuries and the deceased dying on the spot. He further submitted that the Investigating Officer had produced the bike and the bus; sent the body

for postmortem; collected the viscera and sent the same for the report of the toxicologist. The Forensic Examination report confirms that the rider of the bike had consumed alcohol and also submitted that the Motor Vehicle Inspectors Report is to the effect that there was no damage caused to both the vehicles.

6. Considered the submissions and perused the materials on record.

7. It is not in dispute that there was no damage caused to both

the vehicles and therefore, the occurrence of any accident and the possibility of the deceased falling down and sustaining injuries due to the impact of the petitioners bus dashing against his vehicle is totally ruled out. The Forensic Examination Report confirms that the deceased had consumed alcohol, beyond the permissible limits. The said report is extracted hereunder: 1. Stomach and contents Detected two hundred and forty seven milligram (247mg) of ethyl alcohol but not other poison.

2. Intestine & contents Detected sixty milligram (60mg) of ethyl alcohol but not other poison.

3. Liver & Kidney Detected one hundred and eighty one milligram (181 mg) of ethyl alcohol but no other poison.

4. Brain Detected forty six milligram (46 mg) of ethyl alcohol but not other poison.

5. Blood Detected fifty five milligram percent weight by volume (55mg %w/v) of ethyl alcohol but not other poison.

8. In view of the above, the petitioner driving the bus in a rash

and negligent manner and causing the accident is not possible. The deceased was in a drunken state and Motor Vehicles Inspectors Report confirms no damage to the bus. Thus, there is nothing even to remotely infer that the petitioner had caused any accident. Hence, this Court

quashes the proceedings in C. C. No. 555 of 2025 on the file of the learned Judicial Magistrate, Tiruvarur. The criminal original petition stands allowed. Connected miscellaneous petitions are closed.

16-03-2026 Neutral Citation:Yes/No nv

M. NIRMAL KUMAR,J.

nv To

1. The Judicial Magistrate, Thiruvaur.
2. The Inspector of Police, Tiruvarur Taluk Police Station, Tiruvarur District.
3. The Public Prosecutor, High Court, Madras. CRL OP No. 6148 of 16.03.2026

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