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NC: 2025:KHC:20782
CRL.P No. 10284 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MS JUSTICE J.M.KHAZI

CRIMINAL PETITION NO. 10284 OF 2023

(482(Cr.PC) / 528(BNSS))

BETWEEN:

MR.PRABHAKARAN.K.
S/O KARUPPASAMY,
AGED ABOUT 41 YEARS,
R/A NO.B, 204, ROYAL LEGEND APARTMENT,
KODICHIKKANAHALLI,
BENGALURU CITY,
KARNATAKA-560068

...PETITIONER

(BY SMT.RACHANA.M, ADVOCATE FOR
SRI. APPU KUMAR, ADVOCATE)

AND:



1. STATE OF KARNATAKA
REPRESENTED BY CUBBON PARK
TRAFFIC POLICE STATION,
REP. BY SPP,
HIGH COURT BUILDING,
AMBEDKAR BEEDI,
BENGALURU - 560001
2. V KUMARAVELU
S/O LATE VARADHARAJU NAIDE,
AGED ABOUT 43 YEARS,
R/A NO 02, N NUMBER, 10TH STREET,



KAMARAJA ROAD, SHIVAJI NAGAR,
BANGALORE-560042

...RESPONDENTS
(BY SRI.VENKAT SATYANARAYAN.A, HCGP FOR R1;
R2 SERVED)

THIS CRL.P IS FILED U/S.482 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO A. QUASH THE FIR (ANNEXURE-B) DATED 13.02.2023 REGISTERED IN CR.NO.0019/2023 BY THE CUBBON PARK TRAFFIC POLICE STATION FOR THE OFFENCES P/U/S.279,304-A OF THE IPC PENDING ON THE FILE OF LEARNED METROPOLITAN MAGISTRATE TRAFFIC COURT-V, BANGALORE AND ETC.,

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MS JUSTICE J.M.KHAZI

ORAL ORDER

Petitioner who is arraigned as accused No.2 has filed this petition under Section 482 of the Code of Criminal Procedure to discharge her in Cr.No.19/2023 of Cubbon Park Traffic PS, for the offences punishable under Sections 279, 304-A of IPC.

2. For the sake of convenience, parties are referred to by their ranks before the trial Court.



3. In support of the petition, accused No.2 has contended that the charge sheet is not maintainable. He has already sold the vehicle to the complainant with an understanding that he would get the RC transferred to his name. In fact complainant has taken interim custody of the vehicle. None of the allegations made in the charge sheet are applicable to accused No.2. Only to harass accused No.2 he is included in the charge sheet. Continuation of the criminal proceedings would amount to abuse of the process of the Court and hence, the petition.

4. Learned High Court Government Pleader representing respondent No.1 would submit that accused No.2 is the registered owner of Scooter bearing registration No.KA-01/HW-1252 ('scooter' for short). On 13.02.2023, at 8.30 a.m, deceased Sudha was proceeding on the scooter to drop her son. When she was near HP petrol bunk on Kasturba Road, accused No.1 being the driver of goods vehicle No.KA-04/9292 ('offending vehicle' for short), drove the same in a rash or negligent manner



and dashed against the scooter, as a result of which Sudha sustained grievous injuries and died on the spot. He would further submit that the allegations against accused No.2 are that he allowed deceased Sudha to drive the scooter despite knowing that she was not having a driving license. Therefore, rightly charge sheet is filed against accused No.2 also and pray to dismiss the petition.

5. Heard arguments and perused the record.

6. It is not in dispute that as on the date of accident, accused No.2 was the owner of the scooter. Though he has claimed that he sold the scooter to complainant and the complainant has got released the said vehicle into his interim custody, still the RC is standing in the name of accused No.2. For all practical purposes, he is the owner of the scooter in question. In the light of the prima facie material, accused No.2 cannot seek quashing of the criminal proceedings. He is at liberty to prove his



defence at the trial. In the result the petition fails and accordingly,

ORDER

- (i) Petition filed by the petitioner/accused No.2 under Section 482 Cr.P.C is hereby rejected.
- (ii) The Registry is directed to send a copy of this order to the trial court through e-mail.

Sd/-
(J.M.KHAZI)
JUDGE

RR
List No.: 1 Sl No.: 29