



C.M.A(MD)No.1032 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**C.M.A(MD)No.1032 of 2025
and
C.M.P(MD)Nos.15276 & 15854 of 2025**

The Manager,
ICICI Lombard General Insurance Company Limited,
1st Floor, Northern Side Plot No.5,
Bye Pass Road,
Madurai – 10. ... Appellant/2nd Respondent

-VS-

1.S.Sangumani
2.Minor S.Shalini
3.Minor S.Gokila
4.Minor S.Sakthivel
5.M.Sangiah ... Respondents 1 to 5/
Petitioners
6.P.Bhavani ... 6th Respondent/1st Respondent



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7.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

... 7th Respondent

(Minor R2 to R4 are represented by their mother
and natural guardian/1st respondent)

(R – 7 is suo motu impleaded vide order dated 30.01.2026
made in C.M.A(MD)No.1032 of 2025)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act, 1988, challenging the Judgment and Decree
passed by the Motor Accident Claims Tribunal / V Additional
District Judge, Madurai, in M.C.O.P.No.485 of 2020 dated
21.04.2025.

For Appellant : Mr.P.Pethu Rajesh

For RR 1 to 5 : Mr.Jaya Vasanth

For R – 6 : Batta Due

For R – 7 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This appeal is filed as against the award passed in M.C.O.P.No.485 of 2020 dated 21.04.2025 on the file of the Motor Accident Claims Tribunal / V Additional District Judge, Madurai, thereby awarding compensation to the tune of Rs.36,32,000/- in favour of the claimants.

2.The claimants filed the claim petition on the ground that on 20.10.2019, at about 01.45 p.m., while the deceased was riding his motorcycle bearing Registration No.TN-63-AF-2850 in Thiruppuvanam near Maruthumaram, Madurai–Rameshwaram National Highway Railway Bridge, on the extreme left side of the road, traveling from west to east, the sixth respondent's car, insured with the appellant herein, bearing Registration No.TN-64-T-4829,



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was also being driven by its driver in the same direction, behind the deceased's vehicle. The car then dashed into the deceased's vehicle at high speed. Due to the sudden impact, the deceased sustained multiple grievous injuries and was immediately taken to the Government Hospital in Thiruppuvanam. However, the doctor declared the deceased brought dead.

3.On the complaint, the F.I.R was registered in Crime No. 363 of 2019 for the offence punishable under Section 304(A) of I.P.C as against the driver of the sixth respondent vehicle.

4.In order to prove their claim, the claimants had examined P.W.1 to P.W.4 and marked Exs.P1 to P17. On the side of the respondents, they examined R.W.1 and R.W.2 and marked Ex.R.1 to Ex.R.5.



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5.On perusal of the oral and documentary evidence, the Tribunal concluded that the accident had happened due to the rash and negligent driving of the driver of the sixth respondent herein and the appellant is being the insurer of the sixth respondent vehicle is liable to pay compensation and awarded compensation to the tune of Rs.36,32,000/-. Aggrieved by the same, the present appeal has been preferred by the appellant.

6.The learned counsel appearing for the appellant submitted that though the F.I.R was registered as against the driver of the sixth respondent herein, it was subsequently closed as undeducted one. It is a case of hit and run and based on wrong information, the vehicle of the sixth respondent was wrongly identified as involved in the accident and the F.I.R was registered as against the offending vehicle. After completion of the investigation, the seventh respondent herein found that there was no fault on the driver of the sixth respondent herein and therefore, closed the F.I.R

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as undeducted one. Even then, the Tribunal awarded compensation payable by the appellant, who is the insurer of the sixth respondent's vehicle.

7.The learned counsel appearing for the claimants submitted that the police mechanically closed the F.I.R without conducting any proper investigation. Before the Tribunal, the claimants had examined P.W.1 to P.W.4 in which P.W.2 to P.W.4 were eyewitness to the occurrence and in fact, P.W.4 was the one who lodged the complaint. The police, without even serving any referred charge-sheet, simply closed the F.I.R as undeducted one. The sixth respondent is very influenced to the higher police officials of the police and managed to close the F.I.R as undeducted one. When the F.I.R was duly registered as against the driver of the offending vehicle, there is no piece of evidence to suggest that the sixth respondent's vehicle was not involved in the accident.



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8.P.W.2 to P.W.4 categorically deposed before the Tribunal, stating that they had witnessed the accident and had lodged the complaint. Therefore, the Tribunal rightly passed the award and the same does not warrant any interference of this Court.

9.The learned counsel appearing for the seventh respondent submitted that after registration of the F.I.R, the seventh respondent recorded the statements as if they had not seen the accident. After a period of one year, the F.I.R was closed as undeducted one. However, the seventh respondent has not yet sent any referred charge-sheet notice to the complainant or the claimants.

10.Heard the learned counsel appearing on either side and perused the materials available on record.

11.On perusal of the records, it is revealed that the F.I.R was registered based on the complaint lodged by P.W.4 and the same



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13.However, without the knowledge of the complainant, the husband of the sixth respondent approached the superior officer of the seventh respondent and managed to have statements as if the eyewitnesses had not seen the accident, further stating that at the time of the accident, the car owned by the sixth respondent was merely parked in the scene of crime. After recording the further statements, the seventh respondent kept the case diary in a cold storage for one year without any progress. Thereafter, the F.I.R was conveniently closed as undeducted one, treating it as a case of hit and run.

14.However, before the Tribunal, the claimants examined P.W.1 to P.W.4 in which P.W.2 to P.W.4 were eyewitnesses to the occurrence. P.W.4 was the one who lodged the complaint and the seventh respondent registered the F.I.R as against the son of the sixth respondent herein.



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15.A further perusal of the records reveals that though the seventh respondent registered the F.I.R as against the car belonging to the sixth respondent, he failed to subject the offending vehicle to motor vehicle inspection. This indicates that, in order to escape from the clutches of law, the husband of the sixth respondent influenced the police officials and managed to record statements as if the car had merely parked at the scene without dashing the deceased's two wheeler.

16.Once an F.I.R is registered in an accident case, it is the primordial duty of the Investigating Officer to subject the vehicles involved in the accident to motor vehicle inspection and thereafter conduct a proper investigation to ascertain which vehicle was the offending vehicle.

17.In the case on hand, unfortunately the seventh respondent registered the F.I.R as against the driver of the sixth

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respondent, the car allegedly involved in the accident was not subjected to any motor vehicle inspection. Only the two-wheeler which was driven by the deceased was subjected to motor vehicle inspection and the motor vehicle inspection report was marked as Ex.P.5. The report shows that immediately after being hit by the offending car, the two-wheeler was thrown off and its entire front portion was extensively damaged.

18.The learned counsel appearing for the appellant vehemently contended that if the offending vehicle had dashed against the two wheeler from behind, the two wheeler would have sustained damage to its rear side. However, as per Ex.P.5, no damage was caused on the rear side of the two wheeler. It cannot be accepted for the simple reason that after being hit by the offending vehicle, the two wheeler was thrown out, as a result of which the rider sustained grievous injuries. Therefore, the front portion of the two wheeler was damaged.



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19.In fact, the driver of the vehicle was examined as R.W.2. A suggestion was put to him that the front portion of his car had been damaged and was subsequently repaired. Though he denied the said suggestion, his father lodged a complaint before the Superintendent of Police, Sivagangai District on 21.10.2019 ie., the very next day after the accident. This shows that a representation was made to the Superintendent of Police, Sivagangai District and managed to record the statement of the eyewitnesses as if they had not seen the accident, that too without their knowledge.

20.One of the eyewitnesses, who had lodged the complaint before the Tribunal had deposed as P.W.4. He categorically deposed as follows:

“2.நான் சத்திய பிரமாணத்தின் பேரில் தெரிவிப்பது என்னவெனில், கடந்த 20-10-2019ந் தேதியன்று மதியம் சுமார் 1.45 மணியளவில் நான் எனது Splendor TN58 S1615 என்ற இருசக்கர



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வாகனத்தில் திருப்புவனம் மருதமரம் அருகே சென்று கொண்டிருந்த பொழுது மதுரை - இராமேஸ்வரம் தேசிய நெடுஞ்சாலை மேம்பாலத்தின் மையத்தில் நான் மேற்கிலிருந்து கிழக்கு நோக்கி சென்று கொண்டிருந்தேன். அப்போது எனக்கு முன்பாக சுமார் 50 அடி 60 அடி தூரத்தில் விபத்தில் இறந்துபோன சண்முகம் என்பவர் இடது புறத்தில் அவருக்கு சொந்தமான TN63AF 2850 Hero Honda Splendor இருசக்கர வாகனத்தில் மேற்கிலிருந்து கிழக்கு நோக்கி அவர் ஓட்டி சென்று கொண்டிருந்த போது அச்சமயம் பின்னால் வந்த TN 64 T4829 என்கிற Maruthi Ertika Car ஓட்டுனர் அதிவேகமாகவும், அஜாக்கிரதையாகவும் ஹாரன் அடிக்காமலும் ஓட்டி வந்து மேற்படி சண்முகத்தின் இருசக்கர வாகனத்தின் பின்னால் மோதியது. இதனால் சண்முகம் தூக்கி எரியப்பட்டதால் தலையில் பலத்த ரத்தகாயமும் உடலின் சில இடங்களில் ரத்த காயமும் ஏற்பட்டு கிழே கிடந்தார். அப்போது பின்னால் வந்த நான் மற்றும் அங்கிருந்தவர்கள் பதறியடித்து கொண்டு கிழே கிடந்த சண்முகத்தை தூக்கி ஆட்டோவில் ஏற்றி விட்டு திருப்புவனம் அரசு மருத்துவமனையில் சேர்த்தேன். சண்முகத்தை பரிசோதித்த மருத்துவர் சண்முகம் இறந்துவிட்டதாக கூறினார்கள். சண்முகத்தை அரசு மருத்துவமனையில் நான் சேர்த்ததை காண்பிக்கக் கூடிய A.R copy எனது மனுதாரர் தர்ப்பு சான்றாவனம் 17 ஆக குறியீடு செய்ய வேண்டியது.



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3.நான் சத்திய பிரமாணத்தின் பேரில் தெரிவிப்பது என்னவெனில், மேற்படி விபத்தல் சண்முகம் ஓட்டி வந்த இருசக்கர வாகனம் முன்பகுதி, பின்பகுதி சேதம் ஏற்பட்டது. மேற்படி TN 64 T4829 காரின் முன்பகுதியிலும் சிறிது சேதம் ஏற்பட்டிருந்தது. மேற்படி விபத்திற்கு கவனகுறைவாகவும், அதிவேகமாகவும் ஓட்டி வந்த TN 64 T4829 காரின் முன்பகுதியிலும் சிறிது சேதம் ஏற்பட்டது. மேற்படி விபத்திற்கு கவனகுறைவாகவும், அதிவேகமாகவும் ஓட்டி வந்த TN 64 T4829 Maruthi Ertika car தான் முழு காரணம் என்பதாலும் மேற்படி விபத்தை நேரடியாக பார்த்ததாலும் அவரை மருத்துவமனையில் சேர்த்ததாலும் நடந்த விபரத்தை இந்த நிருபண வாக்கு மூலத்தை மாண்புமிகு நீதிமன்றத்தில் சாட்சியம் அளிக்கிறேன்.”

21.In fact, P.W.4 was the person who took the deceased to the hospital, where he was declared dead. The entire case diary in Crime No.363 of 2019 was marked as Ex.R.2. Further, the statements of P.W.1 and P.W.2 were recorded by the seventh respondent as if they had not witnessed the accident and had only seen a huge gathering of the general public and that they found the

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deceased lying in a blood pool while the car owned by the sixth respondent was parked at the scene.

22.Unfortunately, the seventh respondent did not record any statement from P.W.4, who had taken the deceased to the hospital. Immediately upon the deceased being brought to the hospital, the Medical Officer recorded the accident register, which was marked as Ex.P.17. Ex.P.17 reveals that P.W.1 and P.W.4 brought the deceased into the hospital and that the deceased had met with an accident and died. Even then, the seventh respondent did not even record any statement from the Medical Officer and proceeded to close the F.I.R as undeducted one.

23.Therefore, the Tribunal rightly concluded that though the F.I.R was closed as undeducted one is not sufficient to reject the claim of the claimants. Accordingly, the Tribunal rightly concluded that the accident had occurred solely due to the rash and negligent



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driving of the sixth respondent's driver namely R.W.2.

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24.Insofar as the quantum of compensation is concerned, the learned counsel appearing for the appellant submitted that the income of the deceased had not been proved before the Tribunal by producing any documentary evidence. However, the Tribunal fixed monthly income of the deceased at Rs.18,000/- in the absence of sufficient proof.

25.On a perusal of the records, it is revealed that the deceased possessed an international driving licence to drive cars in the Country of Oman and the sultanate of Oman Resident Card was marked as Ex.P.10. The salary certificate of the deceased was also marked as Ex.P.13. The deceased, while visiting India from abroad, met with an accident and died. Even then, the Tribunal notionally fixed the monthly income of the deceased at Rs.18,000/-.



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26.Unfortunately, the claimants did not file any appeal seeking enhancement of the compensation awarded by the Tribunal. Therefore, this Court finds no infirmity or illegality in the fixation of the monthly income of the deceased and rightly awarded compensation to the tune of Rs.36,32,000/-. Hence, the Civil Miscellaneous Appeal fails and it is liable to be dismissed.

27.The Superintendent of Police, Sivagangai District, is directed to take appropriate departmental action as against one Elumalai, the Inspector of Police, who closed the F.I.R as undeducted one in Crime No.363 of 2019 by filing the final report dated 06.10.2020 and to complete the same within a period of three months from the date of receipt of a copy of this order.

28.In fact, even after closing the F.I.R as undeducted one by filing a final report, the seventh respondent has not, till date, sent any referred charge sheet notice to the complainant. Further, there is



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no evidence to show that the final report filed by the seventh respondent has been accepted by the jurisdictional Court. Therefore, the final report dated 06.10.2020 in Crime No.363 of 2019 is hereby set aside and the seventh respondent is directed to conduct further investigation and file a fresh final report before the competent Court within a period of eight weeks from the date of receipt of a copy of this order, as against the accused, in accordance with law.

29.In fine, the award passed in M.C.O.P.No.485 of 2020 dated 21.04.2025 on the file of the Motor Accident Claims Tribunal / V Additional District Judge, Madurai, is confirmed. The Civil Miscellaneous Appeal is dismissed. The appellant is directed to deposit the entire award amount with interest and costs as awarded by the Tribunal, less the amount already deposited, to the credit of the claim petitions, within a period of six weeks from the date of receipt of a copy of this judgment, if not already deposited. On such deposit, the first and fifth respondents/major claimants are permitted

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to withdraw their respective shares with proportionate interest and costs by filing formal permission petition before the Tribunal. The share of the respondents 2 to 4/minor claimants shall be deposited in a Nationalised Bank in a fixed deposit until they attain majority. The interest accruing on such deposit is permitted to be withdrawn by the 1st respondent/mother of the minor claimants, once in three months directly from the bank. No costs. Consequently, connected Miscellaneous Petitions are closed.

[G.K.I.J.] & [R.V.J.,]
09.02.2026

NCC :Yes/No
Index :Yes/No
Internet :Yes
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To

- 1.The Motor Accident Claims Tribunal /
V Additional District Judge,
Madurai,
- 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.

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