

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.7479 of 2015

S.Parthiban

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Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.
2. The Deputy Commissioner of Police,
Traffic, Chennai East, Anna Salai,
Chennai.
3. The Inspector of Police,
J-2, Adyar Traffic Investigation of Police,
Chennai-600 090. ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 3rd respondent/respondents to register the complaint dated 11.01.2015 and to investigate the matter.

For Petitioner :Ms.G.Devi
For Respondents :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking a direction to the 3rd respondent to register the complaint dated 11.01.2015 and to investigate the matter, the petitioner has come up with this petition.

2. Heard Ms.G.Devi, learned counsel for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor appearing on behalf of the respondent and I have also perused the records carefully.

3. The complainant is one V.Selvaraj, who in his complaint dated 11.01.2015 has stated that his son by name S.Parthiban, met with an accident on 10.01.2015, in which the TATA INDICA car bearing Registration No.TN-11-Z7184 had come in a rash and negligent manner and dashed on the bike of his son, resulting in serious injuries to his son.

4. It is seen from the records that Parthiban was admitted in the Government Royapettah Hospital on 10.01.2015 and and

thereafter he has been shifted to private nursing home by name Akash Hospital, Thiruvottiur.

5.The learned counsel for the petitioner further submits that the police did not take any action on the complaint dated 11.01.2015, but, on the contrary the police have registered a case against the petitioner's son on 27.01.2015 in Cr. No.62/2015.

6.The learned Additional Public Prosecutor submits that the respondent/police had not received any complaint dated 11.01.2015 as stated by the petitioner.

7. On a reading of the complaint dated 11.01.2015, it is clear that the complainant Selvaraj is not an eye witness to the event. He has merely given a complaint based on the hearsay statement of his son. Whenever a person is admitted in a Government hospital with injuries, a communication will be sent to the police if it is found that it is a medico-legal case and the police would record the statement of the victim in the hospital, which will be treated as a first information report, only then it will be valid in the Court of law, as it is from the victim himself and not the statement of hearsay witness. Therefore, this court cannot give a direction to the police to register a case on the complaint dated 11.01.2015.

8. The learned counsel for the petitioner submits that the FIR filed by the police against the petitioner's son is an abuse of process of law. If that is so, liberty is given to Parthiban to challenge the same in the manner known to law.

With the above observation this Criminal Original petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Commissioner of Police,
Greater Chennai, Vepery, Chennai.
2. The Deputy Commissioner of Police,
Traffic, Chennai East, Anna Salai,
Chennai.
2. The Inspector of Police,
J-2, Adyar Traffic Investigation of Police,
Chennai-600 090.

+1 cc to Ms.G.Devi, Advocate,SR.19150

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