

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19..10..2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.1269 of 2011
and M.P.No.1 of 2011

K.Natarajan

... Petitioner

-Versus-

The State Rep. by
Inspector of Police,
D.C.B., Coimbatore.
[Crime No.5 of 2005]

... Respondent

Petition filed under Section 482 of Cr.P.C. praying to call for the entire records relating to the case in Crime No.5 of 2005 on the file of the respondent police and to quash the said case.

For Petitioner : Mr.S.Kingston Jerold
For Respondent : Mr.C.Emalias, APP

ORDER

On the complaint lodged by Rajeswari, Senior Divisional Manager, United India Insurance Company Limited, Tirupur, the CCB, Tirupur, registered a case in Crime No. 5 of 2005 on 09.02.2005 under Sections 420 and 511 of IPC against one Saravanan and Jothiramalingam. The allegation in the said complaint is that Saravanan had lodged a complaint as if he met with a road accident on 23.12.2000 upon which a case in Crime No.473 of 2000 has been falsely registered by the Inspector of Police, Tirupur Rural Police Station so as to facilitate Saravanan to claim compensation unlawfully. The allegation in the case in Crime No.473 of 2000 is that Saravanan lost his right thumb in a road accident in which the offending vehicle namely, a Maruti Car bearing Regn. No. TN 39 E 6765 was driven rash and negligently by Jothiramalingam. According to the de facto complainant Rajeswari, Senior Divisional Manager of the Insurance Company, Saravanan had lost his thumb in an industrial accident and in order to make a bogus claim of compensation from the insurance company, he had connived with Jothiramalingam and lodged a complaint falsely against his father based on which a case in Crime No.473 of 2000 was registered by Tirupur Rural Police

2. Later on, the case in Crime No.5 of 2005 was transferred from the file of CCB to the file of CB CID Coimbatore. The Inspector of Police, CB CID arrested Jothiramalingam and it transpires that Saravanan had lost his thumb while he was working in Waste Cotton Mill belonging to their family. Immediately after the occurrence, Saravanan took the severed thumb to Ganga Hospital and after surgery, he connived with his father Jothiramalingam and the petitioner Natarajan, the then Sub Inspector of Police created records to the effect that injury was on account of road accident. Challenging the FIR in Crime No.5 of 2005 on the file of the CCB, Tirupur, the petitioner is before this court with the present petition.

3. It is contended by Natarajan that he had only registered the FIR on the complaint given by Saravanan and there are no materials against him to show that he had connived with Saravanan to create false records. He also contended that investigation in Crime No.473 of 2000 was completed and a final report in STC 825 of 2001 was filed before the Judicial Magistrate No.II, Tirupur against Jothiramalingam for offences under Sections 279 and 338 of IPC wherein Jothiramalingam pleaded guilty and was convicted by the learned Magistrate and sentenced to fine of Rs.500/- for offence under 279 of IPC and to fine of Rs.1,000/- for offence under Section 338 of IPC. He paid the fine. Thus, the said criminal case has attained finality and therefore, the same cannot be reopened.

4. This contention deserves to be rejected in limine because fraud vitiates all proceedings. Since there are sufficient materials for the CB CID to investigate, this court is of the view that it is not a fit case to quash the proceedings.

5. In the result, this criminal original petition is dismissed. Consequently, connected MP is closed.

Sd/-
Assistant Registrar (CS II)

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Sub Assistant Registrar

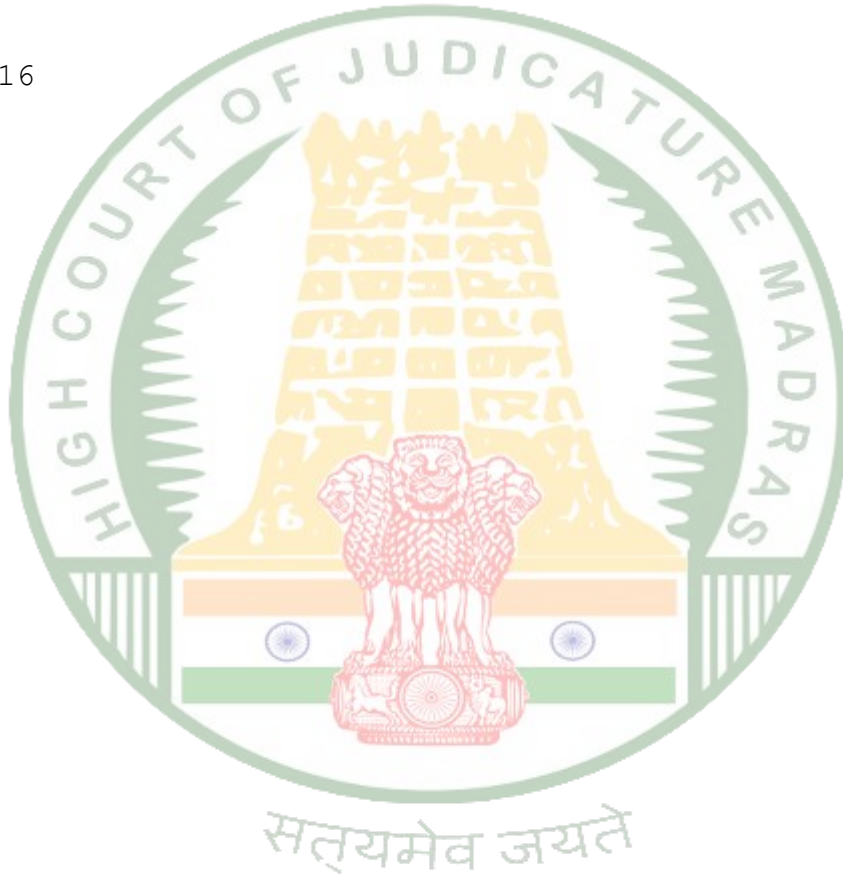
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To

- 1.The Judicial Magistrate No.II, Tirupur,Tirupur District.
- 2.The Inspector of Police, D.C.B., Coimbatore.
- 3.Inspector of Police, CB CID, Coimbatore City.
- 4.Inspector of Police, CCB, Tirupur.
5. The Public Prosecutor, High Court, Madras.

CrI.O.P.No.1269 of 2011

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