

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.19410 of 2016

Abdul Majeed

..Petitioner

Vs

1.The Commissioner of Police,
Tiruppur City, Tiruppur.

2. The Inspector of Police,
City Crime Branch,
Tiruppur City.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 2nd respondent to register a case on the petitioner's complaint dated 11.04.2016 and investigate the case in accordance with law.

For Petitioner :Mr. K.Ramesh

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to the 2nd respondent to register a case on the petitioner's complaint dated 11.04.2016 and investigate the case in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the Respondents.

3. It is the case of the petitioner that he is the owner of TATA Indigo LS Vehicle bearing registration No.TN-42-H-1537. After he had purchased the car, he entered into an agreement with Connect Meter Taxi for business purpose and the RC book is also in his name. It is the further case of the petitioner that he had given his car on lease to Connect Meter Taxi to ply the car as a call taxi and to pay the petitioner some lease amount.

4. While so, the petitioner's car was driven by a driver viz., Rajesh @ Rafiq, who is said to have been employed by Connect Meter Taxi and that, while Rajesh @ Rafiq was driving the car, an accident took place on 30.03.2013. In respect of the said accident, one Thangavel, who was the driver of the lorry, on which, Ramesh @ Rafiq had hit, has given a complaint and a case in Crime No.139 of 2013 was registered by Siththode Police Station, Erode District.

5. According to the petitioner, the said Rajesh @ Rafiq did not have valid license and therefore, the petitioner had given a complaint dated 11.04.2016 to the respondent police against Connect Meter Taxi, Rajesh @ Rafiq and others. In this regard, the respondent police, by communication dated 18.04.2016, directed the petitioner to approach Siththode Police Station, since already a case in Crime No.139 of 2013 has been registered for the said accident, which is said to have been taken place on 30.03.2013. Under such circumstances, the petitioner is before this Court for a direction to the respondent police to register an FIR on his complaint dated 11.04.2016.

6. In the considered opinion of this Court, the petitioner had voluntarily given his vehicle to Connect Meter Taxi and if Connect Meter Taxi had engaged a driver, who did not have valid licence, no criminal prosecution can be launched against them. The liability, if any, is only contractual. Since RC book stands in the name of the petitioner, the liability under Motor Vehicles Accident Claim may fall on the petitioner, if the driver did not possess a valid licence. That cannot be a reason for the police to register a separate case on the complaint given by the petitioner against the owners of Connect Meter Taxi and Rajesh @ Rafiq.

With the above said observation, the criminal original petition is dismissed as devoid of merits.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Tiruppur City, Tiruppur.

2. The Inspector of Police,
City Crime Branch,
Tiruppur City

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Ramesh, Advocate sr.50567

Cr1.OP No.19410 of 2016

gj ii[co]
srg 27/09/2016



WEB COPY