

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.21144 of 2016

M.Noormohamed

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep.by the Deputy Superintendent of Police
Thiruchengode,
Namakkal District.

2.The State of Tamil Nadu,
rep.by the Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents police to correct the name of offending vehicle as "Driver of PKS private bus", instead of "Driver of PSK private bus" in Crime No.319 of 2016 and to secure the offending vehicle in bearing registration No.TN-52-D-6699 and send to the same to the MV inspection and consequently, take action against the driver of PKS private bus based on the complaint of the petitioner dated 08.08.2016 and to expedite the investigation.

For Petitioner : Mr.MA.P.Thangavel

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondent police to correct the name of offending vehicle as "Driver of PKS private bus", instead of "Driver of PSK private bus" in Crime No.319 of 2016 and to secure the offending vehicle bearing registration No.TN-52-D-6699 and send the same to the MV inspection and consequently take action against the driver of PKS private bus based on the complaint given by the petitioner on 08.08.2016.

2. Heard the learned counsel for the petitioner and the
<https://hcservices.ecourts.gov.in/hcservices/>

learned Additional Public Prosecutor for the respondents.

3.The respondent police received an intimation from L.K.M.Hospital, Erode and went to the hospital and recorded the statement of the petitioner, in which, the petitioner stated that while he was riding his motorcycle, he was hit by a bus belonging to PSK bus company and that, he had sustained injuries. On the statement given by the petitioner, a case in Crime No.319 of 2016 has been registered under Sections 279 & 337 IPC against the driver of PSK private bus.

4. After registration of the FIR, the respondent police went to the place of occurrence and prepared a spot mahazar and recorded the statement of some witnesses, who have stated that no such accident had taken place as alleged by the petitioner and that, the petitioner himself had fallen from his motorcycle. However, the respondent police waited for the petitioner to get discharged from the hospital and ultimately, after the petitioner was discharged from the hospital on 05.08.2016, investigation was completed and closure report was prepared on 08.08.2016 closing the case as false. When the police had served the RCS notice on the petitioner, he refused to receive the same.

5.After the petitioner was discharged from the hospital, he gave a representation dated 08.08.2016 alleging that in the statement given to the police, he had stated that the bus belonging to PKS private school, whereas, the police deliberately wrote as PSK Private Bus. Now, the petitioner has come up with the present petition for a direction to the respondent police to take action against the driver of PKS private bus.

6.On a perusal of the case diary, it is seen that the respondent police have also recorded the statement of eye witnesses, who have stated that no such accident, as alleged by the petitioner had taken place. That apart, the police have also enquired the manager of PSK Bus Company before concluding that the version of the petitioner is false. Even in the representation dated 08.08.2016, the petitioner has stated that he does not even know either the number of the vehicle or the name of the vehicle. After having stated so, in the subsequent paragraph of the representations, the petitioner has stated that he was hit by PKS bus. Under such circumstances, no positive directions, as prayed for by the petitioner can be granted.

7.However, the respondent police is directed to send RCS notice by Registered Post with Acknowledgment Due to the petitioner and thereafter, file a closure report before the Judicial Magistrate No.I, Tiruchengodu. Liberty is given to the petitioner to approach the Judicial Magistrate No.I,

Tiruchengode and file a Protest Application and on such Protest Application being filed, the same shall be dealt with as per the law laid down by the Supreme Court in Vinay Tyagi Vs. Irshad Ali Alias Deepak and others in ((2013) 5 SCC 762.)

8.With the above observations and directions, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police
Thiruchengode,
Namakkal District.

2.The Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.MA.P.Thangavel, Advocate, sr.53373

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