

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.2583 of 2016

Rajkumar

... Petitioner

Vs.

State rep. by
Inspector of Police
Mailam Police station
Traffic Wing, Villupuram District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register a case based on the petitioner's complaint dated 25.11.2015 on the file of the respondent in C.S.R.No.300 of 2015 and investigate the same and file a final report.

For Petitioner : Mr.S.Sathyaraj

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the respondent to register a case pertaining to the petitioner's complaint dated 25.11.2015 in C.S.R.No.300 of 2015.

2.The learned counsel for the petitioner submitted that on 17.06.2013, the petitioner and his friend were travelling on Pulzar bike towards Chennai from Tindivanam. At that time, one Lorry, which came behind them in a rash and negligent manner, dashed against the petitioner. He sustained grievous injury and that he was admitted in the Government hospital, Tindivanam. He further submitted that one police officer came to the hospital and obtained statement from the petitioner. Then the petitioner has given a complaint on 25.11.2015. So far the respondent has not shown any interest to enquire the matter and register the case. Hence, the petitioner has come forward with this petition for the above stated relief.

3.At this juncture, the learned Additional Public Prosecutor would submit that the alleged occurrence was taken place on 17.06.2013. But the petitioner has given a complaint only on 25.11.2015 and C.S.R.No.300 of 2015 has been assigned, in which, enquiry has been conducted and closed.

4.Considering the rival submissions made on both sides and on perusal of the typed set of papers, in page No.1, it is stated that on 18.06.2013, at about 1.45 p.m., alleged to be hit the two wheeler vs. Lorry on 17.06.2013 at 12.45 p.m. The petitioner has sustained left thigh deforming, laceration 3 X 3 X 2 c.m., multiple abrasions and fracture. It shows that the petitioner has sustained injuries in the said accident and it is a hit and run case. So the respondent ought to be registered the case. Then only the petitioner is entitled to get compensation from the Insurance Company.

5.Under such circumstances, the respondent police is directed to reopen the enquiry and conduct the same and follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out.

6. The Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
Mailam Police station
Traffic Wing,
Villupuram District.

2.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.S.Sathyaraj, Advocate, S.R.No.9191

Cr1.O.P.No.2583 of 2016

ALA (CO)
CA(24/02/2016)