

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.5592 of 2016

S.Indhirani

.. Petitioner

vs.

1.Assistant Commissioner of Police
Traffic Investigation (East)
Adyar, Chennai.

2.The Inspector of Police
D6, Anna square traffic investigation
Chennai.

.. Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first respondent to register a case on the basis of the petitioner's complaint dated 08.01.2016 and investigate the same in accordance with law.

For Petitioner :Mr.P.G.Thiyagu

For Respondent :Mr.C.Emalias
Addl. Public Prosecutor

ORDER

This petition is filed for issuing a direction to the first respondent to register a case on the basis of the petitioner's complaint dated 08.01.2016 and investigate the same in accordance with law.

2.Learned counsel for the petitioner submits that the petitioner has lodged a complaint before the respondents on 08.01.2016 stating that on 01.01.2016, around 2.30 a.m., while the petitioner's son was travelling as a pillion rider in a motor cycle, he met with an accident by the rash and negligent driving of the driver of the vehicle and that he fell down in the pit and sustained grievous injuries. He further submits that

even though the respondents have received the complaint, they have 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. Learned Additional Public Prosecutor submits that as soon as the accident occurred, the petitioner's son was admitted in Rajiv Gandhi hospital, wherein he stated that he had self fallen from the two wheeler near Chindhathiripet and sustained injuries on his forehead. At the time of giving complaint, even though the petitioner has produced all the documents, she has not mentioned the name of the rider of the two wheeler. On that basis only, enquiry has been conducted and during enquiry, they came to know that at the time of occurrence, petitioner's son had driven the vehicle and the petitioner was the pillion rider. In the certificate produced by the petitioner, it was specifically stated that the petitioner's son as a pillion rider had self fallen from the two wheeler and sustained injuries. It is clear that the certificate issued by the Doctor itself has been concocted for the purpose of this case. It is further submitted that the case has to be prosecuted against the complainant/petitioner herein and the Doctor, who issued the said certificate and the respondents have intended to take action against them. Therefore, he prays for dismissal of the petition.

4. Heard both sides and perused the typed set of papers.

5. Considering the aforestated facts and circumstances of the case, in the certificate produced by the petitioner, it was stated that the alleged occurrence said to have taken place on 01.01.2016, around 2.30 a.m. and the petitioner's son as a pillion rider had self fallen from the two wheeler at Mayura bakery, Samy naicken street, Chindhathiripet and that he sustained injuries on his forehead. On that basis only, enquiry has been conducted and closed. In my view, the petitioner has given a false complaint to get some unjust enrichment by even not mentioning the name of the rider of the two wheeler, which is frivolous. Therefore, I do not find any merits in the petition and the Criminal Original Petition is dismissed with costs.

6.In the result, the Criminal Original Petition stands dismissed with costs. The petitioner is directed to deposit a sum of Rs.1,000/- (Rupees One thousand only) to the Tamil Nadu State Legal Services Authority, High Court, Chennai, within a period of fifteen days from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Assistant Commissioner of Police
Traffic Investigation (East)
Adyar, Chennai.

2.The Inspector of Police
D6, Anna square traffic investigation
Chennai.

3.The Public Prosecutor
High Court, Chennai.

4.The Secretary,
TamilNadu State Legal services Authority,
High Court Chennai-104.

+1cc to Mr.P.G.Thiyagu, Advocate sr.16068

सत्यमेव जयते

Cr1.O.P.No.5592 of 2016

bvr (CO)
srg (23/03/2016)

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