

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.7292 of 2016

Cholamandalam MS General Insurance Co. Ltd.
2nd Floor, Dare House
rep by its Manager Prem Ananth
2 NSC Bose Road
Chennai 600 001.

Petitioner

Vs

1.Inspector of Police
Ariyalur Police Station
Ariyalur.

2.Rajavel
3.Settu

Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 1st respondent herein to forthwith comply with the directions dated 12.01.2015 made in Crl.M.P.No.162/2015 on the file of the Judicial Magistrate, Ariyalur herein in the private complaint of 2nd respondent against 3rd respondent now pending on the file of Judicial Magistrate, Ariyalur, herein.

For petitioner : Mr.N.Vijayaraghavan
For R1 : Mr.C.Emalias
Addl.Public Prosecutor

ORDER

This petition has been filed to direct the 1st respondent herein to forthwith comply with the directions dated 12.01.2015 made in Crl.M.P.No.162/2015 on the file of the Judicial Magistrate, Ariyalur herein in the private complaint of 2nd respondent against 3rd respondent now pending on the file of Judicial Magistrate, Ariyalur, herein.

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

3. A gruesome road accident had taken place on 30.05.2014 involving Tamil Nadu State Transport Corporation bus bearing Registration No.TN-45-N-2108 and a lorry bearing Registration

No.TN-61-D-1767, in which several persons lost their lives and several were grievously injured.

4. On the complaint lodged by Singaravadivel, Conductor of the Tamil Nadu State Transport Corporation bus, the respondent police have registered a case in Cr.No.291/2014 for offences u/s 279, 337, 338 and 304 A IPC against Rajavel, the driver of the lorry bearing Registration No.TN-61-D-1767. It appears that the said Rajavel was also seriously injured in the accident and he was admitted in the hospital. After discharge from the hospital, Rajavel has filed a private complaint in Cr1.M.P.No.162/2015 before the Judicial Magistrate, Ariyalur alleging that Settu, the driver of the TNSTC bus was responsible for the accident and that he should have been made accused in Cr.No.291/2014. The learned Magistrate has forwarded the private complaint to the Inspector of Police, Ariyalur Police Station for investigation. Under such circumstances, the petitioner herein who is the insurer, has filed the present complaint for a direction to the police to comply with the directions issued by the Judicial Magistrate, Ariyalur in Cr1.M.P.No162/2015.

5. In the considered opinion of this Court, the police cannot register a second FIR based on the complaint given by Rajavel. However, this Court directs the respondent police to consider the averments made by Rajavel in his complaint and conduct investigation thoroughly in order to unravel the truth.

With the above direction, this petition is closed.

gms

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. Inspector of Police
Ariyalur Police Station
Ariyalur.

2. The Judicial Magistrate, Ariyalur.

3. The Public Prosecutor,
High Court, Chennai.

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