

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.O.P. No.24584 of 2017

M/s. New India Assurance Company
Limited, rep.by its Manager,
Moore Street, Chennai-600 002.

.... Petitioner/Defacto Complainant

Vs.

1. The Additional Director General of
Police, CBCID, Chennai-600 008.
2. The Deputy Inspector General of
Police, CBCID, Chennai-600 008.
3. Inspector of Police,
CBCID-Metro, Chennai-600 016.
4. The Director,
Central Bureau of Investigation
(CBI), New Delhi.

.... Respondents.

Criminal Original Petition filed under Section 482
Cr.P.C. to transfer investigation from the 3rd respondent viz.,
The Inspector of Police, CBCID Metro Wing, Chennai to the 4th
Respondent/CBI in CCB Crime No.611 of 2005 on the file of the 3rd
Respondent to investigate, file the final report before the
Court concerned within stipulated time.

For Petitioner : Mr.M.R.Jothimanian

For Respondents-1to 3 : Mr.P.Govindarajan
Additional Public Prosecutor

For Respondent-4 : Mr.K.Srinivasan, Spl.P.P.

O R D E R

This petition is filed by the defacto complainant to change
the investigation agency alleging that the complaint given by
him has not been properly investigated and even after the lapse

of 16 months the respondent police have not taken effective steps.

2. According to the petitioner the Motor Accident Claims based on a fake accident has been made against the defacto complainant company and therefore, petition was filed before the IX Metropolitan Magistrate, Saidapet, dated 6.12.2016, directing the respondent police to conduct further investigation.

3. Pursuant to the said complaint, after investigation, the Inspector of Police CBCID Metro, Chennai has filed a closure report as mistake of fact. Therefore, the defacto complainant has filed a protest petition to order further enquiry of CCB Crime No.611 of 2005. The Court directed the Additional DGP, CBCID Metro Wing to pass suitable orders for conducting further investigation of CCB Crime No.611 of 2005. However, no steps have been taken by the the ADGB, CBCID to conduct further investigation.

4. Based on the fake accident and fabricated document claim petition was filed for Rs.7.00 Crores and the Tribunal has awarded around Rs.3,00,24,117/- Crores, and the perpetrators of the crime had already apportioned Rs.1,02,08,200/- with interest at the rate of 7.5% per annum and now filed an appeal for enhancement of compensation.

5. In this context since the defacto complainant has lost his faith in the investigating agency which has not proceed investigation, sought transfer the investigation to CBI.

6. This Court directed the respondent to file status report to ensure whether the investigation has been done properly. From the report filed by the respondent it appears that pursuant to the order passed by XI Metropolitan Magistrate, dated 16.12.2016 Additional Director General of Police, CBCID, has passed an order on 5.10.2017 vide RC.No.C6/218/011401/2017 for nominating an Inspector for taking up the investigation in this case. Thereafter investigation has been taken up and so far 6 witnesses have been examined and their statement has been recorded.

7. Initial investigation reveals that it was an auto involved in the accident and not Light Motor Vehicle TATA 407 Van bearing Registration No. TN 23 X 7000 as found in the records of Zebeda Hospitals. When the injured person Rajesh Kumar Vyas was admitted in the Apollo First Med Hospitals on 18.10.2002 by his father NL Vyas. In the Accident Report it was stated that he sustained injury due to skidding from the Scooter.

8. The investigation further reveals that statement from 6 persons has been so far and the statement of other witnesses

alleged to have been present at the time of accident are yet to be recorded. The investigating Officer has sought four months time to complete the investigation since the witnesses are residing at far of place and investigation is in respect of alleged accident which took place on 16.10.2002.

9.Considering the status report and the gravity of the alleged offence, this Court is of the view that since the investigation has commenced and entered the crucial stage, change of investigation at this point of time may not be appropriate. Further the investigation by CBCID is going on in the right direction. So, four months time to complete the investigation is granted.

10.Accordingly, this petition is disposed of with a direction to the second respondent to monitor the investigation done by the third respondent periodically and ensure the completion of investigation by 20th March, 2018.

11.This Criminal Original Petition is disposed of accordingly.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

gr.

Copy to:

1. The Additional Director General of Police, CBCID, Chennai-600 008.

2. The Deputy Inspector General of Police, CBCID, Chennai-600 008.

3. Inspector of Police, CBCID-Metro, Chennai-600 016.

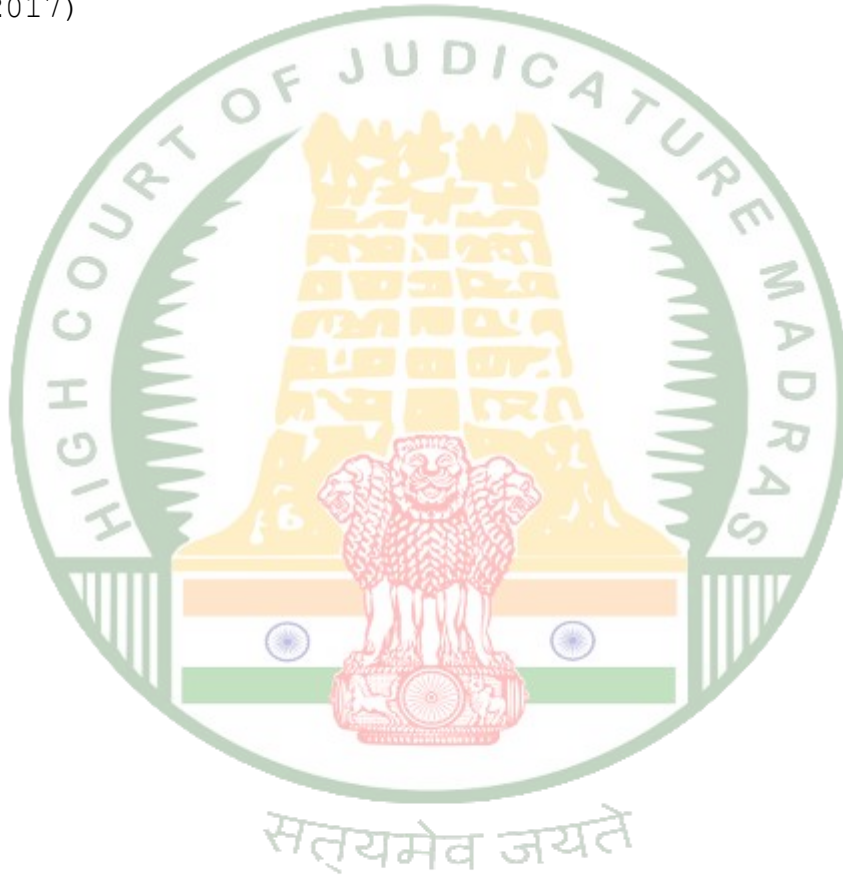
4. The Director, Central Bureau of Investigation (CBI), New Delhi.

5. The Public Prosecutor, High Court, Madras.

6. The Spl. Public Prosecutor, CBI Cases, High Court, Madras.
+1 CC to Mr.R. Jothimanian, Advocate sr 82380.

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SP(04/12/2017)



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