



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.15381 of 2017

M.Selvi

... Petitioner

-Vs-

1. The Superintendent of Police,
Office of the Police Superintendent,
Dindigul.

2. The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of the Criminal Procedure Code, to direct the second respondent to alter the First Information Report in Crime No.255 of 2007 on the file of the second respondent and to implead the Martin Selvan, S/o.Duraiaraj, as sole accused in Crime No.255 of 2007 on the file of the second respondent and proceed in accordance with law.

For Petitioner : Mr.M.Selvakumar

For Respondents : Mr.A.Ramar,

Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for issuing a direction to the second respondent to alter the First Information Report in Crime No.255 of 2007 on the file of the second respondent and to implead one Martin Selvan, S/o.Duraiaraj, as sole accused in Crime No.255 of 2007 on the file of the second respondent and to proceed in accordance with law.



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

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3. It is stated that the petitioner's husband met with an accident, when he travelled in an Indica Car bearing Registration No. TN 58-E-1095. It is also stated that the accident occurred due to the rash and negligent manner in which the driver of the vehicle, namely, Martin Selvam drove the vehicle at the time of the accident.

4. It is the case of the petitioner that the driver of the said car, namely, Martin Selvam gave a false complaint to Nilakottai Police Station as if the accident was caused by the deceased, namely, the petitioner's husband and that the said Martin Selvam was only travelling along with the petitioner's husband.

5. The grievance of the petitioner is that the complaint was registered mistakenly by the respondent police without holding an enquiry as to the cause of accident and the involvement of the driver of the vehicle one Martin Selvam.

6. Learned counsel for the petitioner states that the representation was given to the respondents in this regard to alter the First Information Report and that it was not done by the respondent police. It was also alleged that the police officials have not conducted any investigation on the petitioner's representations. Since the driver of the vehicle, namely, one Martin Selvam was resourceful and was able to influence, the learned counsel for the petitioner states that great injustice has been done in this case to the deceased who died purely due to the rash and negligent driving of the driver namely, one Martin Selvam who drove the vehicle at the time of the accident.

7. Learned Additional Public Prosecutor on instructions submitted that final report was already filed in Crime No. 255 of 2007 and the case was closed as "Action dropped" on 23.08.2007. It



is further submitted that R.C. Notice was also served to the petitioner in connection with the complaint lodged by the petitioner which was registered in Crime No.255 of 2017 by the second respondent and that there is no truth in the contention of the petitioner about the non-involvement of the petitioner's husband in the accident.

8. If the petitioner is aggrieved, it is open to the petitioner to file a protest petition and to proceed further in accordance with law. Based on the petitioner's self serving statement, he cannot expect this Court to accept all his contentions which are in dispute. In that view of the matter, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Police Superintendent,
Dindigul.
2. The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.SELVA KUMAR, Advocate SR.No.87319.

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