



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.04.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
Crl.O.P.(MD) No.5050 of 2017 and
Crl.M.P.(MD) Nos.3560 & 3561 of 2017

S.Sadasivam

... Petitioner/A1

-vs-

1. The State of Tamilnadu,
Rep. by its Inspector of Police,
District Crime Branch,
Madurai.
(Crime No.11 of 2005)

... 1st Respondent/Complainant

2.A.H.Venkatesan

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the proceedings in C.C.No.174 of 2006 on the file of the Judicial Magistrate Court No.I, Madurai against Crime No.11 of 2005 pending on the file of the 1st Respondent Police instituted against the Petitioner/Accused No.1 and quash the same as illegal in so far as the Petition is concerned.

For Petitioner	: Mr.N.Madhava Govindan
For R1	: Mr.A.P.Balasubramani
	Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed to call for the records relating to the proceedings in C.C.No.174 of 2006 on the file of the Judicial Magistrate Court No.I, Madurai against Crime No.11 of 2005 pending on the file of the 1st Respondent Police instituted against the Petitioner/Accused No.1 and quash the same as illegal insofar as the petitioner is concerned.

2. On 23.08.2001, Sadasivam and Dharmaraj met with a motor vehicle accident and on the complaint of Dharmaraj, a case in Crime No.232 of 2001 under Sections 279 and 337 IPC was registered by the Sub-Inspetor of Police, Kottampatti Police Station. In the complaint given by Dharmaraj, he had clearly stated that while he and Sadasivam were going by a motor cycle, they were hit by a car and they did not notice the number of the car. The investigation in Crime No.232 of 2001 was closed as undetectable by Chandran, Sub-Inspector of Police, Kottambatti Police Station. Thereafter, the case was reopened on 04.07.2002, on the ground that the vehicle was TN-67-W-1984, which was driven by one Velmurugan. The said Velmurugan pleaded guilty before the learned



Judicial Magistrate, Melur in Crime No.232 of 2001. The said vehicle had the insurance cover with the National Insurance Company and the National Insurance Company, sensing the fraud that is being committed by the accused for claiming motor accident claims, has lodged the present FIR, based on which, a case in Crime No.11 of 2005 was registered on 15.03.2005 and after completing the investigation, the Police have filed a charge sheet in C.C.No.174 of 2006 before the learned Judicial Magistrate No.1, Madurai against Sadasivam and four others, including Chandran (A5), who was the Sub-Inspector of Police, Kottambatti Police Station and had manipulated the records as if the offending vehicle was TN-67-W-1984, so that Sadasivam and Dharmaraj get compensation. Challenging the charge sheet, Sadasivam is before this Court.

3. Learned counsel for the petitioner contended that Sadasivam was not aware of the prosecution at all and therefore, he was granted anticipatory bail on 07.09.2016 in CrI.O.P.(MD) No.16702 of 2016. He also submitted that Sadasivam was in the hospital and all these happenings had taken place without the knowledge of Sadasivam.

4. Per contra, learned Government Advocate (CrI.Side) submitted that initially Sadasivam and Dharmaraj took a stand that they did not know the vehicle number and later, they came with a theory that the vehicle that hit them was TN-67-W-1984. Thus, all the accused have conspired together in order to set up a bogus motor accident claim.

5. In a case of this nature, there cannot be any interference in the trial in exercise of powers under Section 482 Cr.P.C. In the result, this petition is dismissed with liberty to the petitioner to raise all the points before the Trial Court. It is reported that A2 and A4 have died and as against Velmurugan (A3) and Chandran (A5), a Non Bailable Warrant is pending. The respondent police are directed to execute the warrant against Velmurugan (A3) and Chandran (A5) and produce them before the learned Judicial Magistrate No.I, Madurai within eight weeks from the date of receipt of a copy of this order, failing which, appropriate departmental action will be taken against the concerned Police Officers for shielding Chandran, who was working as the Sub-Inspector of Police in Kottambatti Police Station at the relevant point of time. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To:

1. The Judicial Magistrate No.I,
Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.N.Madhava Govindan, Advocate SR.No.54213

Crl.O.P.(MD) No.5050 of 2017

JM/RSK/09.05.2017/3P/5C