



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Crl.O.P. (MD)No.7321 of 2017

&

Crl.M.P. (MD) .No.4982 of 2017

R.Vino Kumar

: Petitioner

Vs.

The State of Tamil Nadu

Rep. by the Inspector of Police,

Arumani Police Station,

Kanyakumari District.

: Respondent

Cr. No.71 of 2014

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the summon of the respondent Nil dated and quash the same.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.K.Anbarasan

Government Advocate (Criminal Side)

ORDER

On a complaint lodged by one Mariammal, the respondent police registered a case in Crime No.472 of 2016 on 17.11.2016 under Sections 279 and 337 IPC.

2.It is the case of Mariammal that the petitioner Vino Kumar has driven the motor cycle bearing registration No.TN 75 V 2448 in a rash and negligent manner and hit her and caused injuries to her. During investigation by the police, it came to light that the motor vehicle bearing registration No.TN 75 V 2448 was not involved in the offence and the Motor Cycle bearing registration No.TN 75 J 2931 was involved in the offence. Since the vehicle bearing registration No.TN 75 J 2931 did not have insurance, the complainant and the accused colluded and had given a complaint as if the vehicle bearing registration No.TN 75 J 2448 was involved in the offence. Therefore, the police had issued summons under Section 160(1) Cr.P.C. to the petitioner to produce the vehicle bearing Registration No.TN 75 J 2931. Challenging the said summon, the petitioner is before this Court.

3. In the considered opinion of this Court, when the police suspect foul play by the complainant and the accused for making false insurance claim, summons issued by the police for production



of the vehicle bearing registration No.TN 75 J 2931 cannot be faulted. The police always have the power to seize the vehicle bearing registration No.TN 75 J 2931 under the criminal law for necessary action. If it is found that the accused and the complainant had colluded, the complainant can also be made as an accused for giving false information.

4. With the above direction, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To:

The Inspector of Police,
Arumani Police Station,
Kanyakumari District.

+1 CC to M/s.C.K.M.APPAJI, Advocate, SR No. 60670.

JIKR

PSM/KP/SAR1/27.06.2017/2P/3C

Order made in

Cr1.O.P. (MD) No. 7321 of 2017

16.06.2017