

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.29811 of 2018

Prabavathi

... Petitioner

-Vs-

1. The Inspector of Police,
B2, Thiruvallur Taluk Police Station,
Thiruvallur District.

2. V.Somasekhar Naidu

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the 1st respondent to seize the 2nd respondent vehicle bearing No.KA 05 MR 9059 and produce the insurance policy of the vehicle to the petitioner.

For Petitioner : Mr.M.Dharani Dharan

For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor for R1

ORDER

This petition has been filed seeking for a direction to the 1st respondent Police to seize the vehicle which was involved in the accident and also produce the insurance policy and other necessary papers in order to enable the petitioner to work out her remedy.

2. The husband of the petitioner met with an accident on 29.07.2018, due to the rash and negligent driving of the car by the accused person and he died on the spot. The petitioner gave a complaint to the respondent Police on the same day and an FIR has been registered in Crime No.347 of 2018 for an offence under Sections 279 and 304 (A) of IPC.

3. The grievance of the petitioner is that there is no progress in the investigation and even the offending vehicle was not seized by the respondent Police. That apart, the petitioner is not able to get any of the documents pertaining to the vehicle in order to work out her remedy before the Motor

Accident Claims Tribunal.

4. This Court directed the respondent Police to be present along with the entire case diary. The learned Additional Public Prosecutor on instructions would submit that the vehicle has been seized by the respondent Police and it has also been produced before the concerned Court. Insofar as the documents are concerned, the learned Additional Public Prosecutor would submit that the vehicle does not have Insurance cover. Insofar as all the other documents are concerned, a copy of the same has been handed over to the learned counsel for the petitioner.

5. In view of the above, the petitioner shall work out her remedy before the competent Court in order to claim the compensation against the accused person. That apart, the respondent Police after investigation has filed a final report before the learned Judicial Magistrate I, Tiruvallore on 17.09.2018 against the accused person for an offence under Sections 279 and 304 (A) of IPC and the same is yet to be taken cognizance by the Court below. The respondent Police is directed to number the final report within a period of two weeks from the date of receipt a copy of this order.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
B2, Thiruvallur Taluk Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.M.Dharanidaran, Advocate SR.No.1233

CRL.O.P.No.29811 of 2018

RR(CO)
GMY(31/01/2019)