

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.12166 of 2020

M/s. ICMC Corporation Limited,
Rep. By its Managing Director,
M.Kannan,
Reg. Office No.36, Ambattur Industrial Estate,
Ambattur, Chennai - 600 058. ... Petitioner

.Vs.

1. The State rep. By its
The Deputy Commissioner of Police,
Greater Chennai (Traffic),
Anna Salai, Chennai - 600 002.
2. The Sub-Inspector of Police,
J-2, Adyar Traffic Investigation,
Besant Nagar, Chennai - 600 090.
3. The Regional Manager,
United India Insurance Co. Ltd., CO HUB,
No.143, Greams Road, Chennai - 6. ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first and second respondents herein to set-aside the revocation letter dated 07.07.2020 intimated to the third respondent herein in C.S.R. No.:337/2020 dated 30.05.2020 pending on the file of second respondent.

For Petitioner : Mr. Vimal B.Crimson

For Respondents 1&2 : Mr. S.Karthikeyan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed for direction directing the first and second respondents herein to set-aside the revocation letter dated 07.07.2020 intimated to the third respondent herein in C.S.R. No.:337/2020 dated 30.05.2020 pending on the file of second respondent.

2. Learned counsel for the petitioner would submit that the driver of the car namely N.Elumalai drove the car to purchase some medicines for his owner on 29.05.2020, accompanying his owner's son one Bargav as co-passenger met with an accident on C.P. Ramasamy Road, in front of Vasant Apartments, Alwarpet, Chennai, due to faded lights in that area and no one sustained injury, however, the car gets fully damaged due to the hit in the centre median of the road. He would submit that the driver of the car namely N.Elumalai lodged complaint on 29.05.2020 before the Second respondent and he was issued C.S.R. No.337 of 2020 dated 30.05.2020 and unfortunately, the second respondent without even conducting an enquiry, simply withdrawn the said C.S.R. by letter of communication dated 07.07.2020 and communicated directly to the third respondent herein. Further, he would submit that even without conducting any prior enquiry, the second respondent had simply withdrawn the said C.S.R and no report was served to the petitioner herein.

3. Learned Additional Public Prosecutor appearing for the first and second respondent would submit that false complaint has been lodged by the petitioner herein. He would submit that on 29.05.2020, the driver one Elumalai was driving the vehicle and met with accident by hitting car with the centre median on C.P. Ramasamy Road, in front of Vasant Apartments, Alwarpet, Chennai, however, no one sustained injury and the car was fully damaged as such on enquiry, verification of CCTV footages and other photographs clearly reveals that said Elumalai did not drove the car and the son of the petitioner one Bargav who actually drove the car had met with accident and therefore, false complaint has been lodged by the Elumalai and as such C.S.R No.337 of 2020 has been withdrawn by order dated 07.07.2020 and the same was also duly informed to the insurer of the vehicle.

4. Heard Mr. Vimal B.Crimson, learned counsel appearing on behalf of the petitioner and Mr. S.Karthikeyan, Additional Public Prosecutor appearing on behalf of the first and second respondent.

5. It is seen that the car owned by the petitioner bearing Reg. No. PY-05-J2203 met with an accident on 29.05.2020, while the driver was driving the vehicle hit the centre median of C.P. Ramasamy Road, in front of Vasant Apartments, Alwarpet. Chennai and no one was injured and the entire car has been damaged fully. For the purpose of claiming insurance, the driver of the car lodged complaint and on receipt of the same, he was issued C.S.R. 337 of 2020. After conducting enquiry, the second respondent found that the car was driven by his owner's son one Bargav who met with an accident and the driver Elumalai was his co-passenger. Therefore, the second respondent had withdrawn the

C.S.R. 337 of 2020. The Community Service Register is nothing but acknowledgment for the receipt of complaint and it cannot be withdrawn at any point of time. However, only after enquiry, it can be closed but it cannot be withdrawn since the complaint has been received for the accident took place on 29.05.2020. Therefore, the order passed by the second respondent dated 07.07.2020 cannot be sustained and it is liable to be set aside.

6. Accordingly, the revocation letter dated 07.07.2020, intimated to the third respondent herein in C.S.R No.337 of 2020 dated 30.05.2020 pending on the file of the second respondent is set aside and the second respondent is directed to conduct fresh enquiry on C.S.R. No.337 of 2020 and pass orders on merits and in accordance with law.

7. With the above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Commissioner of Police,
Greater Chennai (Traffic),
Anna Salai, Chennai - 600 002.

2. The Sub-Inspector of Police,
J-2, Adyar Traffic Investigation,
Besant Nagar, Chennai - 600 090.

3. The Regional Manager,
United India Insurance Co.Ltd.,
CO HUB, No.143, Greams Road,
Chennai-6

4. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.12166 of 2020

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