



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.22685 of 2016

The General Insurance Company
Investigator's Association
Through its President
C.Natarajan

... Petitioner

Vs.

1.The Director General of Police
Tamil Nadu
Chennai -4

2.The Superintendent of Police
Tirunelveli District
Tirunelveli - 2

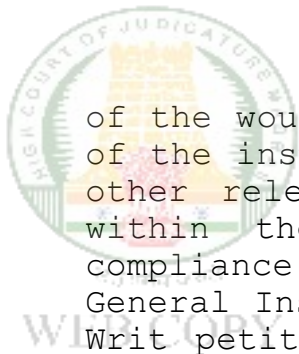
3.The Superintendent of Police
Thoothukudi District
Thoothukudi

4.The Superintendent of Police
Kanyakumari District
Nagercoil
Kanyakumari District

5.The Commissioner of Police
Tirunelveli City Police
Tirunelveli

.... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue suitable written direction to all his subordinate police officer including the Superintendent of Police of the District of Tirunelveli, Thoothukudi and Kanyakumari and the Commissioner of Police, Tirunelveli City Police, the respondents 2 to 5 respectively issuing strict instruction to furnish (1) the copy of first information report (2) copy of the charge sheet (3) M.V.Inspector's report (4) copy of the Accident Site Plan (5) copy



of the wound certificate (6) copy of the accident register (7) copy of the insurance certificate and (8) copy of the Driver License and other relevant documents relating to the motor accident occurred within their territorial jurisdiction all within 30 days in compliance the Judgment of the Hon'ble Supreme Court in the case of General Insurance Council & ORS Vs. State of Andhra Pradesh & ORS - Writ petition (Civil) 282/2007 Dt.09.07.2007 failing which to take disciplinary action against the erring police officers by considering the written representation of the petitioner's association dated 13.07.2016.

For Petitioner : Mr.P.Senthur Pandian

For Respondents : Mr.M.Rajarajan
Government Advocate

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents.

2.The learned counsel for the petitioner submits that the petitioner association represents the investigators who are working for various Insurance Companies. The job of the investigators is to submit a report to the insurer with regard to genuineness and other relevant aspects of an accident. The petitioner alleges that even though the Hon'ble Supreme Court as well as this Court had time and again directed that all the relevant records pertaining to the accident should be made available, the respondents are not doing do. The petitioner's counsel had enclosed in the typed set of papers, the attempt made by the petitioner in certain cases and their failure to obtain relevant information in the first instance.

3.The petitioner's counsel pointedly argued that in one case they have to go to the State Information Commission to get the relevant details.

4.The learned Government Advocate submitted that he does not want to go into what happened in the past. He categorically asserted that the position underwent a dramatic change after the Director General of Police, Tamil Nadu issued the circulars bearing R.C.Nos.159749/Crime 4(3)/2017 and D-X/2386/SCRB/2016, dated 17.02.2017 and 11.07.2017 respectively which read as under:

"Rc.No.159749/Crime 4(3)/2017

*Office of
The Director General of Police
Tamil Nadu*



CIRCULAR MEMORANDUM

Sub:CCTNS- orders of the Hon'ble High Court of Madras pertaining to sharing of documents of road accident cases with claim tribunals, Insurance companies & others - instructions on preparedness to implement of the order- sent - regarding.

- Ref:1) Rc.No.159749/Crime 4(3)/2017 dated 02.01.2017
2) Orders of Hon'ble High Court of Madras in Crl.O.P.No.18110, dated 05.01.2017

Kind attention is invited to the subject and reference cited.

2.As per the reference 2nd cited, the Hon'ble High Court of Madras has given directions to Tamil Nadu Police to follow the Claim Tribunal Agreed Procedure and file Detailed Accident Report (DAR) before Claim Tribunals in road accident cases along with the Charge sheet.

3.In this regard, it is planned to share online the following documents pertaining to road accidents cases through CCTNS:

- 1.First Information Report (FIR)
- 2.Vehicle Registration Certificate
- 3.Driving license
4. Insurance Certificate
- 5.Commercial fitness certificate and permit
- 6.Rough sketch
- 7.Observation Mahazar
- 8.MVI Report
- 9.Post mortem report
- 10.Accident Register Copy
11. Wound Certificate
- 12.Final Report
- 13.Other documents as required in DAR (Annexure)

The uploading of these documents in police stations will start w.e.f. 01.03.2017.

4) To begin with the above listed documents will be shared online with the Claim Tribunals & Insurance companies. The same online facility will be extended to the victims and Accused in due course of time. The orders of the Hon'ble Madras High Court have to be complied with before 31.03.2017.



5) Hence, in order to ensure successful implementation of the orders of Hon'ble Madras High court ,the Unit officers are instructed to strictly comply with the following guidelines:

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- i. Legible and clear copies of all the above mentioned documents should be scanned and uploaded in CIPRUS application without any delay.
- ii. At the time of arrest, the following particulars should be collected from the accused:

- a) Registration Certificate
- b) Driving License
- c) Insurance Certificate
- d) Permit/fitness (wherever applicable)
- e) Aadhar details (as far as possible)
- f) Mobile number

iii. The IOs shall verify the genuineness of the following documents online before uploading in the application:

- a) Registration Certificate & Driving License - State Transport Authority website (www.tnsta.gov.in).

b) Insurance Policy - Online verification facility is being developed and will be intimated shortly by SCRB.

iv. During investigation, the Investigating officer must include relevant sections of Motor Vehicles Act, 1988 while laying charge sheet, if required. A few instances are given below:

Section of MV Act	Offence
181	Driving without a valid driving license
185	Driving under influence of Drugs or Alcohol
192	Driving without Registration Certificate
192A	Using a vehicle without valid Permit
196	Driving without Insurance



v. Since it is planned to extend the online facility of downloading the documents pertaining to road accident cases to victims & accused based on mobile phone authentication, it is mandatory to enter their phone numbers in CIPRUS application.

vi. All road accident cases must be charge sheeted within the timelines as per Section 468 Cr. P.C.

7) The I.O of the case will be held responsible for any default in uploading correct & clear documents and charge sheeting cases in time

8) ADGP, SCRB will organize training for all concerned in this regard and issue further detailed instructions.

9) The receipt of this memorandum may be acknowledged and compliance reported.

**DIRECTOR GENERAL OF POLICE
TAMIL NADU**

To

All Commissioners of Police
All District Superintendents of Police
The Additional Director of Police, State Crime Records Bureau

Copy to

All Zonal Inspectors General of Police
All Range Deputy Inspectors General of Police
and

Office of the
Additional Director General of Police
State Crime Records Bureau
Chennai 600 028

Rc.No.D-X/2386/SCRB/2016

CIRCULAR MEMORANDUM

Sub: High Court directions - Extension of the facility of online sharing of Road Accident case documents with victims/accused on or before 31.07.2017 - instructions- issued- Reg.

Ref: 1) Chief Office Circular Memorandum in RC.No.159749/Crime 4(3)/2017 dated 17.02.2017



2) High Court order in Crl.OP.No.18110 of 2016 dated 05.01.2017 & 13.04.2017 .

Kind attention is invited to the subject and reference cited.

2.As per the directions of the Hon'ble High Court of Madras vide reference 2nd cited, the facility of online sharing of road accident case documents has to be extended to the victims, accused, owner/drivers of the motor vehicles and others concerned by 31.07.2017. The High Court direction has to be complied with.

3. The salient features of the scheme are as given below:-

- *Online downloading of documents by victims/accused.
- *Online payment of Rs. 10/- per document
- *Authentication of the applicant based upon the mobile no. registered with police.
- *Change of mobile no. through mechanism of online complaints.

4. The software is under development which will be launched soon. While the software is under development, the following steps need to be taken by the unit officers for the successful implementation:-

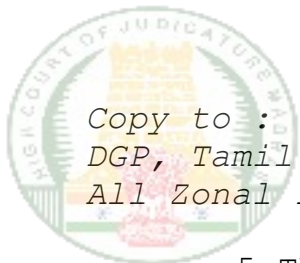
* The mobile number is the key to access this online facility. The victim/Accused/Legal representative of the deceased will be authenticated through their mobile number registered with the Police. Hence, recording correct mobile number by the IO, while examining the concerned witness in the road accident case is essential.

*Training to be imparted to the PDEOs/IOs/SHOs/SDOs from 17.07.2017 to 30.07.2017 in the respective District/City Training Centre.

5.The receipt of the memorandum may be acknowledged

**ADDITIONAL DIRECTOR GENERAL OF POLICE
SCRB, CHENNAI 28**

To
All Commissioners of Police
All Superintendentsof Police (Including Railways)



Copy to :
DGP, Tamil Nadu, Chennai -4
All Zonal IGPs and Range DIGs

5.The learned counsel appearing for the petitioner still contended that while directions and instructions have been issued from the head quarters, they are not being followed on ground. In order to verify the correctness of the assertion made by the Government Advocate, this Court wanted to do a random check.

6.Sri.Aravindan, who regularly appears before this Court submitted that he was an accident victim and the case was registered in Crime No.489 of 2018 before Melur Police Station. This Court decided to check it all the relevant documents as sought for by the petitioner association is really available in the web portal namely www.eservices.tnpolice.gov.in. This Court requested the S-T staff Mr.Ismayil to do a verification. When the verification was done, it was seen all the relevant documents have very much been uploaded in the said web site. Of course, for down loading the document, one has to pay a sum of Rs.280/-. In fact the circular of the Director General of Police itself states that down loading can be done only on payment of fee.

7.This Court is satisfied that the circular issued by the Director General of Police has been effectively implemented. Recording this development, this Writ petition is closed as no further order is necessary. Of course in individual cases, if the investigator finds that the documents have not been uploaded, the investigators are at liberty to lodge a complaint to the concerned District Superintendent of Police. After such complaint is received by the Superintendent of Police of the concerned District, he/she shall take immediate remedial action.

8.With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



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1.The Director General of Police
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Chennai -4

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Tirunelveli District
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