



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14261 of 2021
and
Crl.M.P.No.7781 of 2021

Prem Prakash,
S/o, Lawrence

...Petitioner

Versus

1. The State by
The Inspector of Police,
CB-CID North,
Dharmapuri.

2. G.Vijayalakshmi,
W/o, Gunasekaran
Manager,
Risk Loss and Mitigation Unit,
HDFC Ergo General Insurance
6th Floor, MBC Tower,
Old No.90, New No.199
Luz Church Road,
Mylapore,
Chennai - 600 004.

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the F.I.R in Crime No.1 of 2018 on the file of the 1st respondent police herein and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.K.Kannan

For R1 : Mr.A.Damodaran
Government Advocate, (Criminal Side)



ORDER

This Criminal Original Petition has been filed by the petitioner to call for the entire records connected with F.I.R in Crime No.1 of 2018 on the file of the 1st respondent police herein and quash the same.

2. Learned counsel for the petitioner submitted that the petitioner is not a named accused in Crime No.1 of 2018. Later he had been roped in this case. He further submitted that the petitioner worked under Teamlease Services Private Limited and he has been deputed to work under HDFC Ergo General Insurance Company from 02.04.2008 to 01.03.2009. Thereafter, he returned back to his parent company. He is nothing to do with HDFC Ergo General Insurance Company. Further he submitted that in this case, the alleged insurance policy is for the period from 12.04.2009 to 11.04.2010, the petitioner having left the service of HDFC Ergo General Insurance Company much before the insurance period and he cannot be proceeded with but the petitioner has been arrayed as accused. Hence he prayed for quashing the F.I.R.

3. The learned Government Advocate (Criminal Side) appearing for the first respondent produced the copy of the Renewal Policy No.VM0358992000101 pertaining to the vehicle Baja Platina registration No.GJ6CL26 and from the same company another insurance Policy No. TN30L6242 for Motor Bike Bajaj Discover issued. According to the petitioner original policy pertaining to the vehicle/two wheeler registered is from Gujarath State and the forged insurance policy pertaining to vehicle TN30L6242, this vehicle met with an accident near Nachinampathy Bus stop, Harur road and thereafter the injured filed MCOP No.463 of 2009 for claiming compensation. At that time, the Insurance policy was verified by the second respondent and found that the second respondent company is not the insurer as the insurance policy found to be forged issued by the petitioner. Thereafter following the order of this Court passed in CMA No.916 of 2015, F.I.R came to be registered and during the investigation, preparation of the forged insurance policy found and the whereabouts of the petitioner could not be ascertained. During investigation, materials collected wherein it clearly leads to the active role played by the petitioner, in creation of the forged document. The investigation is at the advanced stage and charge sheet to be filed. Further the petitioner is involved in other case which are similar in nature.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the official respondent and perused the materials.



5. It is seen that the petitioner actively participated in creation of the forged insurance policy and there are materials pointing towards the petitioner. This Court on perusal of the case diary and submissions finds that there are materials to proceed against the petitioner. The contention of the petitioner cannot be considered now, in view of the same, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Inspector of Police,
CB-CID North,
Dharmapuri.
2. The Public Prosecutor,
High Court,
Madras.

CRL.O.P.No.14261 of 2021
and
Crl.M.P.No.7781 of 2021

PCH(CO)
RGA(17/09/2021)