



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.5434 of 2022

R.Anandan,
S/o.Rajaram

... Petitioner

Vs

1.The Director General of Police,
Head Quarters,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The Superintendent of Police,
Vellore District,
Vellore - 632 012.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 23.12.2021 and consequently direct them, either to modify the FIR in Crime No.108 of 2021 or to register FIR on his statement obtained from hospital on 08.03.2021.

For Petitioner : Mr.C.Ravichandran

For Respondents : Mr.Gokulakrishnan
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 23.12.2021 and consequently direct them, either to modify the FIR in Crime No.108 of 2021 or to register FIR on his statement obtained from hospital on 08.03.2021.

2. The case of the petitioner is that on 08.03.2021 at 5.10 p.m he had been going to Gudiyatham from Pallikonda,



WEB

Vellore District in his Splendor Plus Motorcycle bearing Registration No.TN-23-CV-6969 by following Traffic Rules. At that time, a Government Bus bearing Registration No.TN-32-N-3119 belonging to the transport corporation, driven by the driver S.Kartikeyan, had come in a rash and negligent manner in the opposite direction and hit the petitioner at the place opposite to house of one Parasurampati Visalakshi, thereby, the petitioner sustained grievous injuries. Soon after the incident, the driver and the conductor of the bus had absconded from the place of occurrence, due to public gathering. The public around the place rescued the petitioner from the wheel-axis and sent him to the Gudiyatham Government Hospital, Vellore by Ambulance. While the petitioner was an inpatient in the hospital, the Sub-Inspector of Police, Gudiyatham Town Police Station had obtained signature of the petitioner in blank papers and also recorded his statement at the hospital, promising to take suitable action.

3. The learned counsel for the petitioner would submit that however contrary to the statement taken from him and the undertaking given by the Sub Inspector, a case in Crime No.108 of 2021 had been registered for the offences under Sections 279 & 337 of IPC on 09.03.2021 at 21.00 hours against the petitioner based on the statement obtained from the Government Bus driver, as if the petitioner had driven the vehicle in a rash and negligent manner.

4. The learned counsel for the petitioner would further submit that the CCTV Footages taken from the place of occurrence would reveal the real cause of accident and it is the driver of the bus who had driven the bus in a rash and negligent manner and he is responsible for the accident. Ignoring the truth that could be revealed from the CCTV Footages available from the SOC, the respondents had registered the case to protect the Government Bus Driver. Shocked by the FIR, the petitioner had sent a representation to the respondents on 23.12.2021, to consider the statement of the petitioner and take appropriate action. Since no action has been taken, the present writ petition has been filed.

5. The learned Additional Public Prosecutor for the respondents would submit that the case has been registered based on the complaint given by the driver of the Transport Corporation.

6. Heard both sides and perused the materials available on record.



7. The petitioner has sent a representation stating that the driver of the Government Bus is the cause of accident, whereas, ignoring the statement given by him, based on the statement given by the driver of the Government Bus, a false case has been registered. The representation of the petitioner has some force and his apprehension seems to be genuine. Despite the availability of CCTV Footages, the case has been registered based on the complaint of the Government Bus Driver.

8. In view of the above, the second respondent is directed to transfer the investigation, now pending on the file of the Inspector of Police, Gudiyatham Police Station, Vellore District to the Deputy Superintendent of Police, Vellore District. The Deputy Superintendent of Police, Vellore District shall take into consideration the representation of the petitioner as well as the video clippings given by the petitioner and he/she shall complete the investigation in Crime No.108 of 2021 and file a final report, as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order.

9. This Writ Petition stands disposed of with the above observations and directions. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Arb

To

- 1.The Director General of Police,
Head Quarters,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 2.The Superintendent of Police,
Vellore District,
Vellore - 632 012.
- 3.The Inspector of Police,
Gudiyatham Police Station,
Vellore District.



4.The Deputy Superintendent of Police,
Vellore District.

5.The Public Prosecutor,
High Court of Madras.

+5cc to Mr.C.Ravichandran, Advocate SR.No.16058

W.P.No.5434 of 2022

SV(CO)
GN(22/03/2022)