



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8780 of 2022

N.Vijayakumar

... Petitioner

Vs

1.The State rep by its
The Superintendent of Police,
Tiruvannamalai.

2.The Sub-Inspector of Police,
Kalambur Police Station,
Tiruvannamalai District.
(Crime No.2800 of 2020)

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,to direct the 2nd respondent Police to seize the vehicle namely the Maruthi Ertiga bearing Registration No.TN-25-AK-5446 which was involved in Crime No.2800 of 2018 on the file of the 2nd respondent police and investigate the same within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent Police to seize the vehicle namely the Maruthi Ertiga bearing Registration No.TN-25-AK-5446 which was involved in Crime No.2800 of 2018 on the file of the 2nd respondent police.

2. It is the case of the petitioner that while he was driving his two wheeler on 20.12.2020, he was hit by a Maroon



Colour Maruti Ertiga car driven by an unknown person in a rash and negligent manner. The petitioner sustained grievous injuries in his legs and head and immediately, he was taken to Arani Government Hospital by 108 Ambulance and after that he was shifted to the Government Hospital at Vellore. For further treatment, he was taken to Rajiv Gandhi Government Hospital, Chennai. Thereafter, the petitioner's father lodged a complaint to the 2nd respondent Police dated 20.12.2020 and the 2nd respondent registered a First Information Report in Crime No.2800 of 2020 for the offences under Sections 279 and 337 of IPC. Later the petitioner's father came to know that the vehicle involved in this incident is Maroon Color car bearing Registration No. TN-25-AK-5446. The petitioner's father has also given a complaint to the 1st respondent dated 25.04.2021 to take action against the vehicle. Thereafter, the 2nd respondent has issued summon to the owner of the vehicle one Mohanraj son of K.Sampath along with the vehicle to attend the enquiry. However, for the reasons best known, the vehicle was not produced before the Motor Vehicle Inspector. He would further submit that the respondents had not conducted the investigation in a fair and proper manner and they have not seized the vehicle. Thereby, the present petition has been filed seeking to seize the vehicle.

3.Per contra, Learned Additional Public Prosecutor would submit that the petitioner's father had given a complaint dated 20.12.2020 stating that an unknown maroon colour vehicle hit his son, later after few days, he had given a complaint dated 25.04.2021 to the 1st respondent requesting to take action against the vehicle, namely the Maruti Ertiga (Maroon Color) bearing Registration No.TN-25-AK-5446. Based on the further statement recorded from the father of the petitioner, the owner of the vehicle, one Mohan Raj was summoned. During the course of enquiry, it was found that the vehicle was not involved in the accident and they have not send a vehicle for Motor Vehicle Inspection. He would further submit that the petitioner's father was present along with the Inspector of Police, when CCTV footages were verified and he was unable to identify the vehicle and the time of occurrence. He would further submit that the respondent Police have meticulously done the investigation and under such circumstances, there is no requirement for seizing the vehicle.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and perused the materials available on records.

5.It is the case of the petitioner that the vehicle involved in the accident is TN 25 AK 5446, whereas it is the case of the respondent Police that the vehicle is not involved in the accident. When such being so the respondent cannot be



compelled to seize the vehicle which was not involved in the accident. The prayer of the petitioner cannot be sustained. Hence, this Criminal Original Petition stands dismissed. If the petitioner is not satisfied with the final report filed by the respondent Police, he is entitled to challenge the same in the manner known to law.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vkr/nti

To

- 1.The Superintendent of Police,
Tiruvannamalai.
- 2.The Sub-Inspector of Police,
Kalambur Police Station,
Tiruvannamalai District.
- 3.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.E.Sathiyaraj, Advocate SR. No.27342

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SKM (CO)
PR (04/05/2022)