



Crl.O.P No.20992 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.20992 of 2021
and Crl.M.P. Nos.11390 & 11445 of 2021

A.B.Rajendra Babu

... Petitioner/Accused No.4

Vs.

1.State, Rep by,
The Inspector of Police,
Central Crime Branch, Salem,
(Crime No.17 of 2005)

... Respondent No.1/ Complainant

2.T.V.Sathyamurthy,
Divisional/Zonal Manager,
The New India Assurance Company Limited,
102, Yercaud Junction Road,
Ground Floor,
Alagapuram, Salem 636 016.

... Respondent No.2/
defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for Records in C.C.No.44 of 2018 on the file of the learned Judicial Magistrate No.5, Salem and quash the same.



Crl.O.P No.20992 of 2018

For Petitioner : Mr.Manuraj
For Respondents : A.Damodaran,
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been preferred to call for the records in CC.No.44 of 2018 on the file of the learned Judicial Magistrate No.5, Salem and to quash the same.

2. The petitioner is the fourth accused who is a doctor by profession. The case of the prosecution is that with the connivance of the petitioner/4th accused along with other accused of this case, a false claim was made for claiming compensation by alleging that the 1st Accused had suffered injuries due to road traffic accident.

3. Heard the submissions made on either side and perused the materials available on record.

4. Mr. Manuraj, learned counsel appearing for the petitioner submitted that the first accused had been admitted at the Ganga Medical Centre,



Coimbatore, where the petitioner is working as a duty Doctor; the Doctor had recorded the details given by the injured in the Accident Register maintained by the Hospital; the injured had taken treatment in the hospital from 18.03.2001 to 30.03.2001; the petitioner has been falsely implicated in this case without any ground materials. A criminal case pending without any basis against the petitioner, who is a Doctor, affects his reputation and profession.

5.Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the first respondent submitted that the doctor had corrected the Accident Register by inserting the following words, '*hit by an unknown vehicle while going on a bicycle*' and thereby helped the 1st accused to lay a claim for compensation before the Motor Accident Claim Tribunal and hence, he has been implicated as an accused in this case.

6. So far as the petitioner /4th accused is concerned, the alleged overt-act against him is the entries made in the Accident Register. On perusal of the Accident Register, it is seen that the petitioner had registered the following details in the column meant for Date and site of accident:



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"Date and site of accident"

Alleged to have been involved in a road traffic accident (hit by an unknown vehicle while going on a bicycle) at Five road junction Fairlands, near Rathnavel Gounder Kalyana Mandapam at 5PM on 18.03.2021"

7.The suspicion against the Doctor has been developed because of the insertion of the words '*hit by an unknown vehicle while going on a bicycle*'. It is submitted by the Additional Public Prosecutor that those details were inserted just in order to help the accused out of way. Even without the above insertion, it can be seen that the Doctor had registered the details about the road traffic accident only. If the contents in the Accident Register was not mentioned as road traffic accident previously, but later corrected as road traffic accident, there can be some reason to raise doubt on the Doctor who registered the details.

8. The 1st accused who was injured has taken treatment at Ganga Medical Centre, Coimbatore, where the petitioner was working as a duty Doctor at the relevant point of time. Since the 1st accused had informed the



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doctor that he sustained injuries only due to the road traffic accident, the Doctor had written the same. Due to the particulars omitted inadvertently, the words could have been inserted later. It is not the case of the prosecution that the Doctor had mentioned some registration number of the vehicle so as to help him to get compensation from the insurance company, due to the insurance benefits available to the said vehicle.

9. The particulars as seen in the Accident Register do not have any details about the number of the vehicle or even about the type of the vehicle. It has been simply stated that the petitioner was going on a bicycle and at that time he was hit by an unknown vehicle. With these bare allegations against the Doctor, I could not find any cognizable case is made out against him, especially, for the offence under Sec.420 r/w 116 IPC.

10. The petitioner was a duty Doctor at the time when the 1st accused reported for treatment at Ganga Hospital, and he had recorded the details in the Accident Register. Apart from that, the petitioner did not involve himself in any of the acts alleged by the prosecution.



11. There is no material available on record to show that the 1st accused was already known to the petitioner and because of such familiarity there was an understanding between themselves to make appropriate entries in the Accident Register, suiting to the demands of the first accused. So far as the petitioner is concerned, he is an unknown person who came to be known to him only when he approached the hospital for taking treatment.

12. In the order of the Court passed in the anticipatory bail application filed by the petitioner, it is seen that the petitioner has been at abroad from 2003 to 2012 and he had completed his FRCS in U.K. Just because the Doctor made entries in the accident register and at the instruction of a patient in the case sheet, it is not right to implicate him in the case by alleging that he played a role for making a false claim for compensation. Without any substantial facts, if the petitioner is forced to undergo trial, that will defeat the interest of the justice. Hence, it is an appropriate case where the Court has to invoke its power under Section 482 Cr.P.C and quash the proceedings against the petitioner in CC.No.44 of 2018.

In view of the above stated reasons, this Criminal Original Petition is



allowed and the proceedings in C.C.No.44 of 2018 pending on the file of the learned Judicial Magistrate No.5, Salem is quashed as against the petitioner/4th accused alone. Consequently, connected miscellaneous petitions are closed.

27.10.2022

Index : Yes/No
Speaking Order : Yes / No
Internet: Yes/No

jrs

To

1. The Judicial Magistrate No.5, Salem
2. The Inspector of Police,
Central Crime Branch, Salem.
3. The Divisional/Zonal Manager,
The New India Assurance Company Limited,
102, Yercaud Junction Road,
Ground Floor, Alagapuram, Salem 636 016.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.,

jrs

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