



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2244 of 2022

and

Crl.M.P(MD)Nos.1321 and 1647 of 2022

1.Malaiarasan

2.Pathrakali Muthu

... Petitioners/
Accused Nos.1 and 2

Vs.

1.The Inspector of Police,
DCB Police Station,
Thoothukudi District.

2.The Authorized Signatory,
TATA AIG General Insurance Company Limited,
2nd Floor, Samson Towers,
No.403, L,Pantheon Road,
Egmore, Chennai - 600 008.

...Respondent/
Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records relating to the impugned FIR in Cr.No.01 of 2017, dated 03.01.2017, on the file of the first respondent police and quash the same as illegal.

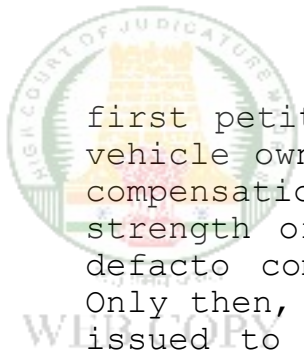
For Petitioners : Mr.M.Jerin Mathew
For R1 : Mr.M.Veeranthiran
Govt. Advocate

O R D E R

Heard the learned Counsel appearing for the petitioners and also the learned Government Advocate appearing for the first respondent.

2.Considering the nature of the relief to be granted, issuance of notice to the second respondent is dispensed with.

3.The petitioners are figuring as an accused in Crime No.1 of 2017, registered on the file of the first respondent for various offences. The second respondent is the defacto complainant. The



first petitioner is the driver, while the second petitioner is the vehicle owner. When the vehicle met with an accident, for claiming compensation they moved the Deputy Commissioner of Labour on the strength of the Insurance Policy. When notice was ordered to the defacto complainant, the present complaint came to be registered. Only then, the petitioners came to know that a bogus policy had been issued to them. According to the petitioners, they were dealing only with the insurance agent who had been recognized and appointed by the defacto complainant.

4.If the insurance agent had committed fraud and issued a bogus policy to the petitioners, then the petitioners cannot be made liable. Though I find this contention to be are highly pursuasive, it is factual in nature. Whether payment was made by the vehicle owner to the insurance agent is a matter for investigation. It is also to be seen whether the said insurance agent had committed similar such offences.

5.Therefore, the second respondent is directed to place all the materials before the first respondent. The first respondent will take note of the contentions advanced in the memorandum of grounds and file the final report. Merely because, the petitioners filed the bogus policy that cannot by itself make the petitioners as accused. If there is truth in the petitioners' statement then, the petitioners will have to become witnesses and the insurance agent will have to become the sole accused.

6.Therefore, the first respondent is directed to conduct investigation on these lines and file the final report within a period of three months from the date of receipt of a copy of this order.

7.I make it clear that I have not considered the petitioners' contentions on merits. All their remedies are left open.

8.With the said direction, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petitions are also closed.

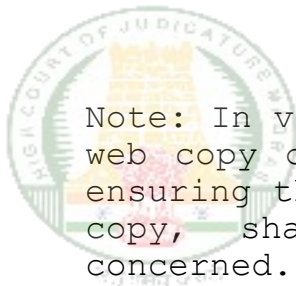
Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar



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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- To:
- 1.The Inspector of Police,
DCB Police Station,
Thoothukudi District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-3739[F] dated 02/02/2022

Crl.O.P (MD)No.2244 of 2022
02.02.2022

lr
MS/22.02.2022/3P.4C