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CrI.O.P.(MD)No.22574 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

**CrI.O.P.(MD) No.22574 of 2023**

**and**

**CrI.M.P(MD) No.17651 of 2023**

Veerakumar

... Petitioner/Sole Accused

Vs.

1.The State Represented by,  
The Sub-Inspector of Police,  
Traffic Investigation Wing-I,  
Madurai City,  
Madurai.

...1<sup>st</sup> Respondent/Complainant

2.Chellamurugan

...2<sup>nd</sup> Respondent/Defacto  
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to further investigate the case in Crime No.176 of 2019 on the file of the first respondent now pending in STC No.366 of 2020 on the file of the learned Judicial Magistrate No.VI, Madurai.

For Petitioner : Mr.R.Murali

For R1 : Mr.R.M.Anbunithi  
Additional Public Prosecutor



## **ORDER**

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Criminal Original Petition is filed to direct the first respondent to investigate the case further in Crime No.176 of 2019 on the file of the first respondent, now pending in S.T.C.No.366 of 2020 on the file of the learned Judicial Magistrate No.VI, Madurai.

2. The case of the prosecution is that the defacto complainant lodged a complaint, stating that on 24.09.2019, he was driving his four wheeler vehicle, at that time, the accused, who was driving his two wheeler bearing Registration No.TN 67 BW 4088 in a rash and negligent manner under influence of alcohol and hit the lorry in the front side. Thereby, the petitioner/accused sustained injuries. Based on the complaint of the defacto complainant, a case in Crime No.176 of 2019 was registered against the petitioner for the offences punishable under Sections 279, 337 and 185 IPC. After completing an investigation, Final Report was filed before the concerned trial Court, alleging that the petitioner is responsible for the above said accident by rash and negligent driving. After filing the Final Report, this petition has been filed stating that this petitioner is a real victim. But however, a false complaint has been given by the defacto complainant, based on which, the case has been registered. After two days of the said incident, he came to know that



the false complaint has been given by the defacto complainant, when information sent from the Government Hospital, where the petitioner was admitted. Hence, he sent a representation, dated 02.09.2023, seeking further investigation.

3. As stated in the preamble portion of this order, when the defacto complainant was riding his four wheeler, the petitioner alleged to have hit by his two wheeler in a drunken mood, he was taken to the hospital immediately, since sustained fracture in his right knee, left leg and the head portion also, he was found conscious at that time of admission in the hospital and thereafter, he under went surgery and discharged on 05.10.2019.

4. Later, he was admitted in Madurai Institute of Orthopaedics and Traumatology on 09.12.2019 and discharged on 13.12.2019. So no doubt that this petitioner sustained grievous injuries in the said incident. It is stated in the complaint that this petitioner was under influence of alcohol, drove the vehicle and hit against the defacto complainant's vehicle. But during the course of investigation, it was not found that the petitioner drove his vehicle under drunken state of mind.



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5. Now the grievance of the petitioner is that even though the statement was recorded from him, when he was admitted in the hospital, no case was registered against the defacto complainant. Per contra, based on the complaint given by the defacto complainant, the case has been registered against him. So what happened to the counter complaint given by the petitioner is not known.

6. With regard to the compensation for the injury suffered by him, whether he made any application is not stated in the petition. There is no bar for the petitioner to file an application for claiming compensation under the relevant provision of the Act. Further it is seen that the petitioner is alleged to have hit the defacto complainant's vehicle, so only the respondent filed the Final Report against the petitioner making allegation that he is responsible for the rash and negligent driving.

7. The crime is of the year 2019. Now four years lapsed. Why the petitioner remained silent for these years is not explained by him. It may not be proper on the part of this Court to order further investigation. The petitioner can very well appear before the concerned trial Court and put forth his defence, during the course of trial process and he can invoke the jurisdictional Police Station to send for relevant documents i.e, his



complaint and etcetera facts and prove his innocence.

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8. With the above said observation, this Court is not inclined to allow this petition.

9. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

**15.12.2023**

Index : Yes/No  
Internet : Yes/No  
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To

- 1.The State Represented by,  
The Sub-Inspector of Police,  
Traffic Investigation Wing-I,  
Madurai City,  
Madurai.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*CrI.O.P.(MD)No.22574 of 2023*

**G.ILANGOVAN. J.**

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