



Order dated 27.08.2024
in Crl.O.P.No.3563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.08.2024

Coram:

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.3563 of 2024

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Bajaj Allianz Life Insurance Company Limited,
Rep. by its Manager--Legal & Compliance,
Mr.Aravinda.M.,
Bajaj Allianz House,
Airport Road,
Yerawada,
Pune-411 006, Maharashtra.

.. Petitioner

Vs.

1. The Inspector of Police,
K8, Arumbakkam Police Station,
Chennai-600 011.

2. Mr.C.Joseph Thavamony

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in FIR.No.277 of 2023, registered on the file of the first respondent and quash the same as against the petitioner/accused herein.

For petitioner : Mr.M.Velmurugan for M/s.R and P Partners

For respondents: Mr.S.Udayakumar, Govt. Advocate (Crl. Side) for R-1

Mr.K.Thilageswaran for R-2



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Thereafter, the second respondent has conveniently withdrawn the said Crl.R.C. on 06.12.2023 which was filed before this Court. Therefore, according to the learned counsel for the petitioner, the very registration of the FIR is not legally sustainable.

4. Per contra, learned counsel for the second respondent submitted that, no doubt, Crl.M.P.No.9334 of 2023 before the Vth Metropolitan Magistrate was dismissed on 11.05.2023, which was challenged before this Court in the said Crl.R.C., the same was dismissed as withdrawn on 06.12.2023. The first respondent-Police, to facilitate the seizure of the document in question, sent the same for Forensic examination and registered the FIR on 30.11.2023 in Crime No.277 of 2023.

5. Learned counsel for the second respondent further submitted that the Insurance Ombudsman has not given any finding regarding the disputed insurance policy proposal, and therefore, there cannot be any bar for sustaining the criminal complaint.

6. Learned Government Advocate (Crl. Side) appearing for the first respondent submitted that, earlier, summons were issued to the second respondent herein to produce the proposal form for the Insurance Policy to verify as to whether the said proposal form was submitted on behalf of the second respondent or not, as the second respondent undertook to file the original



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proposal form.

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7. On consideration of the submissions made on either side and on a perusal of the document in question, this Court finds that the proposal form dated 25.02.2019 is itself doubted and the same is challenged by the petitioner herein in this CrI.O.P.

8. According to the learned counsel appearing for the second respondent herein, the proposal form of the second respondent has been suppressed by the Insurance Company and what has been produced before the Insurance Ombudsman is not the proposal form that was originally signed and presented before the Insurance Company. This fact has now been disputed by the petitioner-Insurance Company and has become the subject matter of investigation by the first respondent-Police.

9. In the above said facts and circumstances, the first respondent-Police is directed to make appropriate enquiry and proceed only if there is any commission of cognizable offence is made out. According to the direction of the Ombudsman, the parties have to get redressal only before the appropriate forum/Court. Therefore, the petitioner/Insurance Company is directed to produce the original proposal form of the second respondent. Further, the concerned investigating officer is directed to ascertain the genuineness of the document, i.e. the insurance proposal form, for the purpose of making the insurance



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proposal form.

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10. With the above observations and directions, this petition is disposed of.

27.08.2024

Index: Yes/no

Speaking Order: Yes/no

Neutral Case Citation: Yes/no
CS

To

1. The Inspector of Police,
K8, Arumbakkam Police Station,
Chennai-600 011.
2. The Public Prosecutor,
High Court, Madras.

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