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CrI.O.P.(MD) No.3844 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3844 of 2024

Periyasamy

... Petitioner / Defacto complainant

Vs.

The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.

(Crime No.321 of 2023)

Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Respondent to expedite the investigation and to file a final report in Crime No.321 of 2023, dated 09.11.2023.

For Petitioners : Mr.G. Karuppasamy Pandiyan

For Respondent : Mr.M.Veerenthiran
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed for issuing a



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direction to the Respondent to expedite the investigation and to file a final report in Crime No.321 of 2023, dated 09.11.2023.

2. The learned Counsel for the Petitioner submits that the Petitioner is the Headmaster of the Government School. He had purchased a Car, Maruthi Ertiga and had availed free services for two times. On the third service, he was informed that the Car was damaged. On his verification, he found to his shock that the Car was beyond repair as scrap. Therefore, he suspected that there is foul play. The technicians and the Manager of the approved Service Centre could not answer the queries. Therefore, the Petitioner was forced to give a complaint to the Respondent. The Respondent Police did not take any action based on the complaint of the petitioner. Therefore, the Petitioner had filed a private complaint before the learned Judicial Magistrate, No.I, Ramnad. The learned Judicial Magistrate No.I, Ramnad, had after recording the sworn statement of the Petitioner and the witnesses directed the SHO of the Police Station to register a case, if cognizable offences are made out and to investigate the same. Accordingly, the Respondent Police had registered the case in Crime No.321 of 2023 on 09.11.2023. He would further submit that till date, the Respondent Police



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had not proceeded with the investigation. Therefore, he seeks direction against the Respondent Police to complete the investigation and lay the final report before the Court concerned.

3. The learned Counsel appearing for the Petitioner submitted that as on today, as per the Status Report furnished by the Investigating Officer, the Manager of the Service Centre had informed the Petitioner about the damage caused to the vehicle belonging to the Petitioner and he had expressed the apologies for the damage caused to the vehicle of the Petitioner and also the service Centre undertook to set right the damages at free of cost and also they undertook to two years free of service. The Petitioner herein was not satisfied and he did not take back the Car. Therefore, the Manager of the show room had lodged a complaint with the 2nd Respondent, based on which CSR.No.228 of 2023 was registered.

4. It is the contention of the learned counsel of the Petitioner that till date the cause of accident, by whom it was caused and what circumstances it was caused and when the Petitioner / Owner of the Vehicle had handed over the vehicle for service and seeking Video Footage was not



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furnished to him by the Service Centre Manager and his Staff, which amounts to screening the evidence. Therefore, the Petitioner insists for Registration of the case under Section 279 IPC only then, he can get the Insurance Coverage and also under Section 406 IPC since he had handed over the vehicle in good condition for 3rd service with the Siva Maruthi Agency. The Investigating Officer, in this case had not acted fairly and supporting the Manager and Staff of the Siva Maruthi Service and hence, his interest is involved. He seeks new Maruthi Car in the place of the Maruthi Ertiga, which was damaged severely. In respect of handing over the same, the Maruthi Show Room Manager and Staff had not been coming out with the full facts to the satisfaction of the owner of the vehicle.

5. Considering the submission made by the learned Counsel for the Petitioner and the learned Government Advocate (CrI. Side), who had relied on the complaint filed by the petitioner under Section 156(3) Cr.P.C., before the learned Judicial Magistrate No.I, Ramanathapuram and the FIR registered by the respondent Police for the offences mentioned by the Petitioner was considered by the said Magistrate directing the Respondent Police to register a case and investigate the case by following the Judgment



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of the Hon'ble Supreme Court reported in **2013 (6) CTC 353** in the case of ***Lalitha Kumari Vs. Government of Uttar Pradesh***. As per the order passed by the learned Judicial Magistrate No.I, Ramanathapuram, dated 09.08.2023 the Respondent Police had registered a case for the offences under Sections 201, 202 and 203 IPC but, had not proceeded with the investigation.

6. The Respondent Police is directed to proceed with further investigation and file a appropriate report before the Judicial Magistrate No.I, Ramanathapuram within a period of one month from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition is disposed of.

Internet :Yes./No
Index :Yes/No
NCC : Yes/No
trp

12.03.2024



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To
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1. The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

trp

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