



W.P.(MD)No.11010 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:02.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.11010 of 2023

and

W.M.P.(MD) No.9625 of 2023

SBI General Insurance Company Limited
Legal Claims and MACT Litigation,
Rep. by its Regional Claims Manager,
R.Balaji

... Petitioner

Vs.

1. The Additional Director of Police,
CBCID,
O/o. the Additional Director of Police,
Chennai.

2.The Superintendent of Police,
Tirunelveli District.

3.The Inspector of Police,
KV Nallur Police Station,
Tirunelveli District.

4.A.Saraswathi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to conduct reinvestigation in CC No.222/2018 dated 12.03.2020 on the file of Judicial Magistrate, Sankarankovil in Crime No.246 of 2014 on the



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file of the 3rd respondent, consequently to direct the 1st respondent to file a charge sheet afresh within a stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
for R1 to R3
Mr.V.Sakthivel for R4

ORDER

This petition has been filed for issuance of a writ of mandamus directing the first respondent to conduct reinvestigation in CC No.222 of 2018 on the file of the learned Judicial Magistrate, Sankarankovil, and to file a fresh charge sheet.

2.Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of respondents 1 to 3 and the learned counsel appearing on behalf of the fourth respondent.

3.The main ground that has been urged by the petitioner insurance company is that the deceased had died due to his own negligence and it has been projected as if there was a head on collusion



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with a van. Thus an attempt has been made to make a false claim against insurance company.

4. Based on the averments made in the affidavit filed in support of the writ petition, a counter-affidavit has been filed by the third respondent. In the counter-affidavit, the police is giving their justification as to why they came to a particular conclusion.

5. In the considered view of this Court, the grounds raised by the petitioner questioning the findings/opinion of the police need not be gone into this writ petition. It can be tested in the course of trial and the petitioner can put forth all the grounds before the trial Court. It is for the trial Court to ultimately decide as to whether a genuine claim has been made in this case or a false claim has been made only with a view to claim compensation against the insurance company. The grounds that have been raised definitely requires appreciation of evidence.

6. In view of the above, this Court does not find any ground to order for reinvestigation in this case. However, all the grounds that



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have been raised in this writ petition can be raised before the trial Court and it is left open to the trial Court to deal with the grounds on its own merits and in accordance with law during the course of appreciation of evidence.

7.This Criminal Original petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed.

02.12.2024

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
PKN		



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To

1. The Additional Director of Police,
CBCID,
O/o. the Additional Director of Police,
Chennai.
2. The Superintendent of Police,
Tirunelveli District.
3. The Inspector of Police,
K.V. Nallur Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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