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W.P.Crl.No.579 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

W.P.Crl.No.579 of 2025

Reliance General Insurance Company Limited,
Represented by Asst. Vice President – Legal,
G.B.Saravanabhavan
Chennai Citi Centre, 5th Floor,
No13, (10 & 11) Dr.Radhakrishnan Road,
Mylapore, Chennai – 600 004.

... Petitioner

Vs.

1. The Superintendent of Police,
Erode SP Office, Marapalam,
Erode, Tamil Nadu - 638 001.
2. The Inspector of Police,
Chithode Police Station,
Chithode, Erode – 638 102.

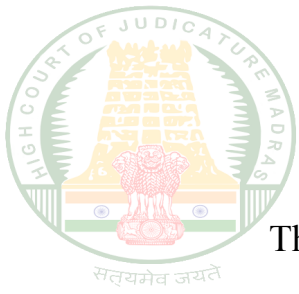
... Respondents

PRAYER : Writ Petition (Criminal) is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus or may other appropriate writ order or direction in the nature of writ, to direct the respondents to take necessary action in the petitioner's representation dated 05.07.2025.

For Petitioner : Mr.TN.Buvaneswaran

For Respondents : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER



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This Writ Petition (Criminal) has been filed seeking a direction to the

respondents to consider the petitioner's representation dated 05.07.2025.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

3. The main grievance of the petitioner is that on 21.07.2019, a Red Taxi car bearing Registration No.TN 77 L 4932, which was insured with the petitioner's company, met with an accident due to the unauthorized parking of a truck lorry, in which, the passenger of the car died on the spot. Consequently, a case in Crime No.380 of 2019 was registered on the file of the second respondent for the offences under Sections 279, 337 & 304 (A) IPC against the driver of the car. However, the second respondent completed the investigation and filed the charge sheet without including the driver of the lorry as an accused. Hence, the petitioner has given a representation to the respondent in this regard, but, since no action has been taken, the petitioner is before this Court.

4. On perusal of the entire records, it is relevant to note that even in



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the First Information Report, it is clearly stated that the driver of the car had driven the vehicle in a rash and negligent manner and dashed against the lorry bearing registration No. KA01AG5566, which was parked. If at all the negligence has to be determined, it must be under the context of how the car was driven, which is a matter of evidence. Therefore, by merely giving a representation, one cannot seek to fix negligence. Now that the trial Court has seized the matter, it is for the court concerned to take note of these facts and if really there are sufficient materials against any third party, they may also be included as additional accused under Section 319 Cr.P.C. It is for the court concerned to decide the issue and not for this Court to intervene based merely on a representation.

5. In such view of the matter, this court does not find any merits in the present petition. Accordingly, this Writ Petition (Criminal) stands dismissed. No costs.

13.08.2025

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Neutral Citation: Yes/No

To

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Erode, Tamil Nadu - 638 001.
2. The Inspector of Police,
Chithode Police Station,
Chithode, Erode – 638 102.
3. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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