



2025:DHC:4984



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 08.05.2025

+ **CM(M) 3494/2024**

THE NEW INDIA ASSURANCE CO. LTDPetitioner
Through: Mr. JPN Shahi, Advocate

versus

SATYANARYANRespondent
Through: Mr. Nitin Devgum, Advocate

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The present Petition has been filed under Article 227 of the Constitution of India challenging two orders dated 07.03.2024 and 22.04.2024 passed by Presiding Officer, MACT, North West, Rohini Court. By the order dated 07.03.2024, the delay in filing of the Detailed Accident Report [hereinafter referred to as "DAR"] has been condoned by the learned Tribunal in view of the fact that the DAR has been filed belatedly by the Investigating Officer. Learned Tribunal has also directed that the DAR be treated as a Petition under Section 166 (4) of the Motor Vehicles Act, 1988 [hereinafter referred to as "MV Act"].

2. The order dated 22.04.2024 is an order dismissing the Application filed by the Petitioner/Insurance Company before the learned Tribunal seeking dismissal of the DAR/Claim Petition. The Application has been dismissed in view of the fact that the delay in filing the DAR has already been condoned.



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3. Learned Counsel for the Petitioner submits that the condonation of delay is not in consonance with law. It is submitted that there was delay in filing the Detailed Accident Report [hereinafter referred to as “DAR”] by the police authorities and since the DAR was filed beyond the period of time as prescribed under the provisions of MV Act, the claim is time barred and not maintainable.

4. Briefly the facts are that on 26.03.2023, the injured was travelling in a car bearing no. DL 11C 7275 when another vehicle collided with it resulting in injuries to the occupants. A First Information Report [hereinafter referred to as “FIR”] was registered on 26.03.2023 being FIR No. 304/23 with Police Station Keshav Puram under Section 279/337 of the Indian Penal Code, 1860.

5. Learned Counsel for the Petitioner submits that in terms of Section 166(3) of the MV Act (as amended), the DAR is to be filed within six months of the date of occurrence of the accident and since the DAR was filed after the lapse of more than 11 months, the cognizance of the same was in contravention with statute.

6. By the Impugned Order dated 07.03.2024, the learned Tribunal has while noting the fact that the DAR has been filed belatedly, has also recorded that on an inquiry, the Investigating Officer [hereinafter referred to as “IO”] has not given any explanation as to why the DAR was not filed on time. The learned Tribunal has also directed that the action be taken against the erring officials of the concerned police station. A finding has been given by the learned Tribunal that due to the conduct of the IO, the right of the victim to claim compensation cannot be curtailed. Thus, the delay in filing



the DAR/Claim Petition was condoned by the Learned Tribunal.

7. By the order dated 22.04.2024, the learned Tribunal has recorded that there is no statutory defence *qua* the present Claim Petition and thus the matter was referred to Lok Adalat.

8. Learned Counsel for the Petitioner makes two submissions. Firstly, it is stated that the Application for compensation cannot be entertained under Section 166(3) of the MV Act unless it is filed within six months from the date of the accident. It is further contended that Section 166(3) provides for a bar on entertainment of Petitions filed belatedly, thus it was not appropriate for the learned Tribunal to condone the delay. It is further stated that the learned Tribunal has by the Impugned Order exceeded its jurisdiction.

8.1 Secondly, it is submitted that the MV Act does not confer upon any authority, including the learned Tribunal, with the power to condone the delay in filing the Claim Petition beyond the period of limitation.

9. Learned Counsel for the Respondent has submitted that the rights of the injured are paramount. He seeks to rely upon an order dated 12.03.2025 passed by a Coordinate Bench of this Court in the case of ***The New India Assurance Co. Ltd. v. Priyanka Tanwar***¹ to submit that a claimant cannot be non-suited for fault of the authorities.

10. Section 166 of the MV Act reads as follows:

“Section 166. Application for compensation

(1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made—

(a) by the person who has sustained the injury; or

¹ Order dated 12.03.2025 in CM(M) 3796/2024



(b) by the owner of the property; or

(c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or

(d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

Provided further that where a person accepts compensation under section 164 in accordance with the procedure provided under section 149, his claims petition before the Claims Tribunal shall lapse.

(2) Every application under sub-section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides, and shall be in such form and contain such particulars as may be prescribed

(3) **No Application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.**

(4) **The Claims Tribunal shall treat any report of accidents forwarded to it under section 159 as an application for compensation under this Act.**

(5) Notwithstanding anything in this Act or any other law for the time being in force, the right of a person to claim compensation for injury in an accident shall, upon the death of the person injured, survive to his legal representatives, irrespective of whether the cause of death is relatable to or had any nexus with the injury or not.”

[Emphasis Supplied]

10.1 Section 166(3) of the MV Act was inserted in the statute by way of amendment in the year 2019, which came into effect on 01.04.2022. The section is unequivocal and states that no application for compensation shall be entertained unless made within six months from the date the accident occurred.

11. For proceedings under Section 166 of the MV Act, the duty for reporting the accident as well as to process the information has been



envisaged on the Police as well as on the Tribunal, respectively. In order to seek compensation under Section 166 of the MV Act, a claim petition can also be filed by a person aggrieved.

11.1 The Supreme Court in the case of ***Gohar Mohammed v. U.P. SRTC & Ors.***², has discussed the pivotal role which Police plays in cases under the MV Act and has laid down the responsibilities of police. The relevant extract of the ***Gohar Mohammed*** case is below:

“Action by police officers and registering authorities in the event of occurrence of accident by use of motor vehicle at public place

34. While following the procedure, where an accident has taken place, information regarding accident is required to be furnished to the police officer. *The relevant provisions with respect to the information and duties of the police officer and registering authority have been specified under Sections 159 and 160 of the MV Amendment Act, which are reproduced as thus:*

“159. Information to be given regarding accident.—The police officer shall, during the investigation, prepare an accident information report to facilitate the settlement of claim in such form and manner, within three months and containing such particulars and submit the same to the Claims Tribunal and such other agency as may be prescribed.

160. Duty to furnish particulars of vehicle involved in accident.—A registering authority or the officer-in-charge of a police station shall, if so required by a person who alleges that he is entitled to claim compensation in respect of an accident arising out of the use of a motor vehicle, or if so required by an insurer against whom a claim has been made in respect of any motor vehicle, furnish to that person or to that insurer, as the case may be, on payment of the prescribed fee, any information at the disposal of the said authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was injured by it and the property, if any, damaged in such form and within such time as the Central Government may prescribe.”

35. From the above, it is evident that on receiving the intimation of the

² (2023) 4 SCC 381



accident and during investigation, the police officer is required to prepare the accident information report (AIR) and shall work as a facilitator in settlement of the claim in a manner as prescribed and furnish the information to the Claims Tribunal and other stakeholders, as specified. The police officer and registering authority are supposed to discharge their functions to facilitate and furnish the information on payment of prescribed fees to the person entitled for compensation or to insurer, against whom the claim has been made. They shall also facilitate to identify the vehicle, name and address of the person using the vehicle at the time of accident and also regarding a person injured or property involved, as prescribed.

36. The Central Government in its wisdom with an intent to carry out the purpose of the Act promulgated the Rules, known as the Motor Vehicle Amendment Rules, 2022.

37. As per the Rules, in the event of a road accident, the investigation must be started immediately on receipt of information by the police officer of the police station concerned. The investigating officer shall inspect site of accident, take photographs/videos of scene and vehicle involved, followed by preparation of site plan drawn to scale as to indicate the width of road(s) as the case may be and other relevant factors including the persons and vehicles involved in the accident. In a case of injury, the investigating officer shall take photographs of the injured in the hospital and shall conduct spot enquiry examining the eyewitnesses/bystanders. The intimation regarding the accident is required to be furnished by the investigating officer within 48 hours to the Claims Tribunal in the shape of first accident report ("FAR") in Form I. It is further required to be sent to the Nodal Officer of the insurance company on having particulars of the insurance policy. The injured/victim(s), legal representative(s), State Legal Services Authority, insurer shall also be provided the copy of Form I and the same must be uploaded on the website of the State Police, if available.

38. It would be the duty of the investigating officer to inform the injured/victim(s)/legal representative(s) regarding their rights by supplying Form II attaching flow chart within 10 days specifying the scheme to seek remedial measure. It would be the duty of the investigating officer to ask the information in Form III and Form IV from the driver(s) and the owner(s) respectively within 30 days.

39. As per the new regime, on receiving the information, interim accident report ("IAR") shall be submitted by the investigating officer to the Claims Tribunal within 50 days in Form V along with relevant documents. A copy of the said IAR shall be furnished to the insurance company of the motor vehicle(s) involved in the road accident, victim(s)/claimant(s), State Legal Services Authority, insurer and General Insurance Council. The investigating officer or the insurance company shall have right to verify the details of the driver and the owner by using



the VAHAN App or shall take the help of Registering Authority. The investigating officer is duty-bound to take the relevant details from the victim(s) or the legal representative(s), as the case may be and furnish the details within 60 days in Form VI. Form VI-A is modulated to the minor children, who are in need of care and protection in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.

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41. The investigating officer shall within 90 days compile all relevant documents and material in the form of detailed accident report ("DAR") in Form VII accompanying site plan Form VIII, mechanical inspection report Form IX, verification report Form X and the report under Section 173 of the Code of Criminal Procedure ("CrPC"). It would be the duty of the registering authority to verify the registration certificate, driving licence, fitness and permit in respect of the vehicle(s) involved in the accident and the same is required to be submitted within 15 days to the investigating officer to complete the IAR and DAR. The extension of time-limit to file IAR and DAR is only permissible where the investigating officer approaches the Claims Tribunal in cases where parties reside outside the jurisdiction of the court or where the driver's licence is issued outside the jurisdiction of the court or where the victim(s) have suffered grievous injuries and are undergoing continuous treatment.

42. Thus, the investigating officer shall furnish FAR within 48 hours, IAR within 50 days, complete the investigation within 60 days and file DAR within 90 days. Copy of DAR shall be furnished to the victim(s), owner(s)/driver(s) of the vehicle(s), the insurance company involved and the State Legal Services Authority including the Nodal Officer of the insurance company and the General Insurance Council.

43. On perusal of the above, it is clear that to carry out the purpose of the provisions of Sections 159 and 160 of the MV Amendment Act, the officer in charge of the police station and the registering authority are required to act upon in a manner as prescribed in the Rules within the period as specified, thereby on receiving the information of accident, the complete information regarding such accident is to be made available before the Claims Tribunal within the time-limit without delay. As per Rules, the failure to perform the duties by the police officer may entail severe consequences as envisaged under the provisions of the State Police Act.

44. Thus, legislative intent is clear that on reporting a road accident the investigating officer must complete all his action within time-frame and shall act as facilitator to the victim(s)/claimant(s), insurance company by furnishing all details in prescribed forms, thereby claimant(s) may get damages/compensation without delay."

[Emphasis Supplied]



12. Section 166(4) of the MV Act, further provides that the Tribunal shall treat any report of accident forwarded to it under Section 159 of the MV Act as an application for compensation under this Act.

13. While relying on the **Gohar Mohammed** case, a Single Judge of the High Court of Madras has in the case of **Malaravan v. Praveen Travels (P) Ltd. & Ors.**³, held that onus of reporting the accident under the MV Act lies with the police, and it is the police who have to register an FIR after the accident. Further, it is the duty of police to prepare and submit the First Accident Report, Interim Accident Report and DAR which is to be submitted before the MACT, and all these reports have to be filed within fixed timelines as provided in law. It has been further held that the parliament in its wisdom has by provision of Section 166(4) of the MV Act has ensured that the hapless victims of motor accidents need not depend upon the stakeholders in court for the purpose of initiation of proceedings and by way of Section 166 (4) of the MV Act, the proceedings itself are initiated on the basis of the report filed by the Police. The relevant extract of **Malaravan** case is reproduced herein below:

“20. The Parliament taking note of such a rapid development in Information Technology introduced Section 166(3) and 166(4) of the Motor Vehicles Act. These Sections have to be read along with Rule 150A read with Annexure XIII of Central Motor Vehicles Rules with Forms I to IX. If they are read so, then it is no more the right of an accident victim to file a claim petition under Section 166 but it has bloomed into a full fledged duty on the part of the police. The police on investigation have to file an FAR (First Accident Report), IAR (Interim Accident Report) and DAR (Detailed Accident Report). As per Rule 18 of Annexure XIII, it has been mandatory on the Claims Tribunal to kick start the compensatory mechanism. Rule 21 of the Central rules ensures that the DAR filed by the police shall be treated as a Claim Petition.

21. Taking note of all these developments, the Supreme Court of India

³ 2023 SCC OnLine Mad 5467



rendered a Judgment in Gohar Mohammed v. Uttar Pradesh State Road Transport Corporation in S.L.P.(C). No. 32448 of 2018. A reading of this Judgment goes to show that the Police are no more playing a mere role of an Investigating Authority and stopping with mere parting of information. They are mandated by the Parliament to file reports with the Claims Tribunal, which should treat the same as a claim petition. The claimants have been freed from the shackles and are no more burdened to search for the documents necessary for filing a claim. The duty to report is now the police and the duty to process the said information given by the police and uploaded on to the website lies on the Tribunal. When access is given to the Tribunal to an FIR and the other details which have been uploaded by the police the claimant need not be made to run around or suffer from a fear that his petition is barred by time. It is the duty of the Claims Tribunal to access the information available to it and process the claim and give succour to the victims. It is not an advisory system as was practiced before 01.04.2022 other parts of India (before 12.09.1979 in Tamil Nadu) but today it is a people oriented justice delivery Tribunal.

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25. A perusal of the rules, the Judgment of the Supreme Court and the timeline which has been set forth above would clearly show that, the claim petition need not be commenced only by way of presentation of the petition under Section 166. This is clear from Section 166(4) which states that a report filed by the police to the concerned Authorities including the stakeholders, Insurance Companies and the jurisdictional Motor Accidents Claims Tribunal should be treated as the Claim Petition.

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28. The Parliament in its wisdom has ensured that the hapless victims of motor accidents need not depend upon stakeholders in Court for the purpose of initiation of proceedings. The proceeding itself is initiated on the basis of the report filed by the Police Authorities. In effect, the petition under Section 166 is only a reminder to the Court that the police have already filed the Detailed Accident Report containing all the requisite details like the First Information Report, Interim Accident Report, First Accident Report and therefore, it has to take up the said report as a claim petition. In other words, the claim petition is only a reminder to the Motor Accidents Claims Tribunal to perform its duty under Rule 21 Annexure XIII of Central Motor Vehicles Rules and to process the claim petition.

[Emphasis supplied]

13.1 It was further held by the Court that the issue of six months limitation will arise only in case where no FIR has been registered by the Police and no report has been sent/uploaded and reading of Section 166(4) of the MV Act



provides that any report of the accident which is forwarded under Section 159 of the MV Act shall be treated as an application for compensation. The relevant extract of the *Malaravan* case is below:

*"29. In view of the above discussion, it is clear that in cases where any request is filed and accessible by the Tribunal, then there will be no question of six months limitation arising. **The issue of six months limitation will arise only in case where no FIR has been registered by the Police and no report has been sent/uploaded.***

30. The members of the Bar represented that the Police are not sending the report and hence, there arises a problem.

*31. **A reading of Section 166(4) shows that if any report of the accident is forwarded to it under Section 159, the same shall be treated as an application for compensation.** It is no more the discretion of the police. Rule 4(A)(5)(1) of the Tamil Nadu Rules read with the Central rules make it mandatory. **It has now become a statutory duty of the Police to sent a report. It is pertinent to point out that the amendment under Section 166(4) does not speak about the Interim Accident Report (IAR), First Accident Report (FAR) and Detailed Accident Report (DAR) but speaks about "any report that has been sent by the police". Therefore, even if an FIR sent by the police to the Tribunal, the same should be treated a Claim Petition.***

*32. **The upshot of the discussion is that on registration of an FIR, a claimant is entitled to present the petition without the fear of it being thrown out, on the ground of limitation.** This would be the correct reading of the present legal dispensation in all cases where FIR is registered within six months, of the date of any motor accident which takes place after 01.04.2022."*

[Emphasis Supplied]

14. Undisputably, the onus is upon the Police to file the DAR before the learned Tribunal within the prescribed time period and to strictly adhere to the timelines provided by the law. The police not only plays role of an investigating authority but also has other statutory responsibilities as mentioned above. The Supreme Court in the *Gohar Mohammed* case has further directed that upon failure to perform the duties by the Police, the police officer may entail severe consequences as envisaged under the



provisions of the State Police Act. Thus, the claimant need not be made to suffer the burden of the claim being barred by time if the authorities are at fault for the delay caused.

15. The Supreme Court in ***Sarah Mathew v. Institute of Cardio Vascular Diseases by its Director Dr. K.M. Cherian and Ors.***⁴, has held that the crucial date for determining limitation is either the date on which the complaint is filed or the prosecution is instituted and construing Section 468 CrPC in a way that disregards the date of filing, and instead depending solely on when the Magistrate takes cognizance, would lead to unconstitutional outcomes. It has been emphasized in the ***Sarah Mathew*** case that a complainant should not be deprived of justice merely due to delays on the part of the Court/Authority in acting upon the complaint. The relevant extract of the ***Sarah Mathew*** case is reproduced below:

*“35. In this connection, our attention is drawn to the judgment of this Court in Sharadchandra Dongre [State of Maharashtra v. Sharadchandra Vinayak Dongre, (1995) 1 SCC 42 : 1995 SCC (Cri) 16]. It is urged on the basis of this judgment that by condoning the delay, the court takes away a valuable right which accrues to the accused. Hence, the accused has a right to be heard when an application for condonation of delay under Section 473 CrPC is presented before the court. Keeping this argument in mind, let us examine both the viewpoints i.e. whether the date of taking cognizance or the date of filing complaint is material for computing limitation. If the date on which complaint is filed is taken to be material, then if the complaint is filed within the period of limitation, there is no question of it being time-barred. If it is filed after the period of limitation, the complainant can make an application for condonation of delay under Section 473 CrPC. The court will have to issue notice to the accused and after hearing the accused and the complainant decide whether to condone the delay or not. If the date of taking cognizance is considered to be relevant then, if the court takes cognizance within the period of limitation, there is no question of the complaint being time-barred. **If the court takes cognizance after the period of limitation then, the question is how will Section 473 CrPC work. The complainant will be interested in having the delay condoned. If the delay***

⁴ (2014) 2 SCC 62



is caused by the Magistrate by not taking cognizance in time, it is absurd to expect the complainant to make an application for condonation of delay. The complainant surely cannot explain that delay. Then in such a situation, the question is whether the Magistrate has to issue notice to the accused, explain to the accused the reason why delay was caused and then hear the accused and decide whether to condone the delay or not. This would also mean that the Magistrate can decide whether to condone delay or not, caused by him. Such a situation will be anomalous and such a procedure is not known to law. Mr Luthra, learned ASG submitted that use of disjunctive “or” in Section 473 CrPC suggests that for the first part i.e. to find out whether the delay has been explained or not, notice will have to be issued to the accused and for the latter part i.e. to decide whether it is necessary to do so in the interest of justice, no notice will have to be issued. This question has not directly arisen before us. Therefore, we do not want to express any opinion whether for the purpose of notice, Section 473 CrPC has to be bifurcated or not. But, we do find this situation absurd. It is absurd to hold that the court should issue notice to the accused for condonation of delay, explain the delay caused at its end and then pass an order condoning or not condoning the delay. The law cannot be reduced to such absurdity. Therefore, the only harmonious construction which can be placed on Sections 468, 469 and 470 CrPC is that the Magistrate can take cognizance of an offence only if the complaint in respect of it is filed within the prescribed limitation period. He would, however, be entitled to exclude such time as is legally excludable.”

[Emphasis Supplied]

16. A Coordinate Bench of this Court in the case of *The New India Assurance Co. Ltd. v. Priyanka Tanwar*⁵ while dealing with similar facts and circumstances wherein the DAR was filed belatedly has held that irrespective of the fact that the DAR was filed belatedly, the claimant cannot be non-suited for fault of the authorities on whose actions the claim petition proceeds before the tribunal. The relevant extract of *The New India Assurance Co.* case is below:

“14. In the present case, as has been noted by the learned Tribunal, the FAR was filed by the IO and subsequent permissions were sought for extension of time. The DAR was filed belatedly after more than seven months on 03.06.2023 without any fault of the claimant. The claimant cannot be nonsuited for fault of the authorities on whose actions the claim

⁵ Order dated 12.03.2025 in CM(M)3796 of 2024



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petitions proceeds before the Tribunal.”

[Emphasis Supplied]

17. At present, the constitutional validity of Section 166(3) of MV Act is a subject matter of challenge before the Supreme Court in ***Bhagirathi Dash v. Union of India***.⁶ On 15.01.2025 in the ***Bhagirathi Dash*** case, learned counsel for the Ministry of Road Transport and Highways submitted that the amendment which is under challenge, is proposed to be further amended. Clearly, this submission before the Supreme Court indicates a recognition of the potential infirmities in the present formulation of Section 166(3).

18. It is no longer *res integra* that the MV Act is a beneficial legislation which is intended to place the claimant in the same position as that of before the accident. The Supreme Court in the case of ***N. Jayasree & Ors. v. Cholamandalam MS General Insurance Co. Ltd***⁷, has held that MV Act is a beneficial legislation which has been framed with the object of providing relief to the victims or their families and thus the provisions of MV Act warrant liberal and wider interpretation to serve the real purpose underlying the enactment and to fulfil the legislative intent. The relevant extract of the ***N. Jayasree*** case is below:

“9. The provisions of the Motor Vehicles Act, 1988 (for short “the MV Act”) give paramount importance to the concept of “just and fair” compensation. It is a beneficial legislation which has been framed with the object of providing relief to the victims or their families. Section 168 of the MV Act deals with the concept of “just compensation” which ought to be determined on the foundation of fairness, reasonableness and equitability. Although such determination can never be arithmetically exact or perfect, an endeavour should be made by the Court to award just and fair compensation irrespective of the amount claimed by the applicant(s).

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⁶ W.P. (C) No. 166 of 2024.

⁷ (2022) 14 SCC 712



16. In our view, the term “legal representative” should be given a wider interpretation for the purpose of Chapter XII of the MV Act and it should not be confined only to mean the spouse, parents and children of the deceased. As noticed above, the MV Act is a benevolent legislation enacted for the object of providing monetary relief to the victims or their families. Therefore, the MV Act calls for a liberal and wider interpretation to serve the real purpose underlying the enactment and fulfil its legislative intent. We are also of the view that in order to maintain a claim petition, it is sufficient for the claimant to establish his loss of dependency. Section 166 of the MV Act makes it clear that every legal representative who suffers on account of the death of a person in a motor vehicle accident should have a remedy for realisation of compensation.”

[Emphasis Supplied]

18.1 The object of the MV Act is to ensure that no genuine claimant is deprived of compensation on account of procedural delays or lapses by the authorities. Upon such delay made by the authorities, the rigours of limitation cannot be pressed to defeat the rights of the claimant, especially when such delay is not attributable to the claimant. To further this objective, “any report that has been sent by the police” can be treated as a claim petition under Section 166(4) of the MV Act. Such report, whether it be a First Information Report, First Accident Report, Interim Accident Report, or Detailed Accident Report, can be treated as a claim petition by Tribunal. There is no statutory mandate in the MV Act that such a report must be a DAR alone. Hence, even if an FIR is sent by the police to the Tribunal, it would suffice to treat it as a claim petition.

19. This Court has perused the FIR dated 26.03.2023, which was registered pursuant to a complaint filed by the Respondent's son [hereinafter referred to as "Complainant"]. It states that the Respondent/injured was travelling in his car bearing no. DL 11 CA 7275 along with his family members and was going to Jhandewalan Temple on 26.03.2023. When the



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Complainant drove past the metro station at Kanhaiya Nagar, the driver of another car bearing no. DL 1 MA 5937, one Mr. Sunny, while driving in a rash and negligent manner took a turn towards Ashok Vihar and collided with the Complainant's car. The Respondent was sitting beside the Complainant in the front seat of the car and both suffered injuries. Injuries were also suffered by the mother and cousin sister of the Complainant who were sitting in the back seat of the car.

19.1 The FIR further states that after the accident, a PCR vehicle on patrol of the Delhi Police arrived at the scene and then apprehended the driver of the other vehicle and took the Respondent and his family members to the hospital. The FIR further states that a copy of the FIR was handed over to ASI Vikas Kumar for further action.

19.2 Thus, clearly the requisite steps were taken on the very day of the accident. However, the DAR was filed by the IO named above, on 07.03.2024, almost a year later.

20. As stated above, sub-section (4) of Section 166 of the MV Act provides that the Tribunal shall treat any report of the accident forwarded to it under Section 159 of the MV Act as an Application for compensation under the Act. Section 159 of the MV Act states that a police officer shall, during the investigation, prepare the accident report to facilitate the settlement of the claim. It is apposite to set out Section 159 of the MV Act below:

"159. Information to be given regarding accident.—The police officer shall, during the investigation, prepare an accident information report to facilitate the settlement of claim in such form and manner, within three months and containing such particulars and submit the same to the Claims Tribunal and such other agency as may be prescribed."



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20.1 This provision and the obligations of the police authorities have been extensively discussed by the Supreme Court in *Gohar Mohammed* case, which is set out in paragraph 11.1 above.

21. In the circumstances of the case, given that the complaint was registered on the date of the accident and the FIR was also registered on the same day by the police, there was no delay by the Respondent in taking steps. The delay was, however, caused by the police/IO in sending the DAR to the Court. For a case of compensation under the MV Act, the claimant cannot be deprived of justice due to the delay of police authorities, since this would defeat the very purpose of the MV Act.

21.1 There can be no doubt that the intent of the MV Act including its amendment is benevolent to provide compensation to the victim. It is thus apposite to interpret sub-section (4) of Section 166 of the MV Act to treat the FIR as the report under Section 159 of the MV Act. Given the registration of the FIR on 26.03.2023, this Court directs that the tribunal shall continue to adjudicate the claim of the Respondent.

22. The Petition is disposed of in the aforesaid terms. It is however clarified that this Court has not examined the matter on merits and the rights and contentions of both the parties are left open to be agitated before the learned Tribunal.

23. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 8, 2025/r

Click here to check corrigendum, if any