CGHC010353352026 2026:CGHC:43136-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 565 of 2026

Cholamandalam MS General Insurance Co. Ltd. Through Its Authorized Signatory, Manager Legal 2nd Floor Simran Tower, Opposite LIC Building, Pandri Raipur C.G.

... Petitioner(s)

versus

1 - State of Chhattisgarh Through Secretary, Department Of Home, Mahanadi Bhawan, Nava Raipur, (C.G.)
2 - The Superintendent of Police , Korba, District Korba (C.G.)
3 - The Station House Officer, Police Station Bango, District Korba (C.G.)
4 - Suresh Kumar Singh S/o Late Narayan Singh, Main Road Laxmipur, Ambikapur Dist. Ambikapur Sarguja C.G.

... Respondents

For petitioner	**:**	Mr. Ghanshyam Patel, Advocate.
For State	**:**	Mr. Saumya Rai, Dy. Govt. Advocate.

DB: Hon'ble Shri Justice Narendra Kumar Vyas &

Hon’ble Shri Justice Sudhir Kumar

Order on Board

06/10/2026

***Per* Narendra Kumar Vyas J.**

1. This petition has been filed by the petitioner/ Insurance Company under Article 226 of the Constitution of India seeking a direction for investigation into FIR No.43/2022 & FIR No.106/2022, both registered at Police Station Bango, District Korba (C.G.), in relation to the same accident for commission of the offence punishable under Section 304-A of IPC.

2. The brief facts as reflected from records are that on 12.03.2022 an accident took place between one Car bearing registration No. CG 04

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MD 9531 (for short “the Car”) & the Truck bearing registration No. CG 15 AC 5199 (for short “the Truck”) at National Highway 130, Labnadaurha, Police Station- Bango, District- Korba. Pursuant to the accident, FIR No.43/2022 was lodged at about 7:40 p.m. by the driver of the Truck, alleging that on 12.03.2022, while he was carrying cement from Gadva to Arasmeta, Janjgir, at about 4:20 a.m., between Chotiya and Lamna on National Highway No.130, the driver of the Car, while driving rashly and negligently, dashed the Truck. Subsequently, a family member of the occupants of the Car lodged FIR No.106/2022, alleging that Ramesh Kumar Singh along with his two friends was travelling from Raipur to Ambikapur and, at about 4:20 a.m. at Village Lamna, National Highway No.130, the driver of the Truck, while driving rashly and negligently, dashed the Car, resulting in the death of Ramesh Kumar Singh and his friends.

3. After the accident, FIR No. 43/2022 had been lodged at about 7:40 PM by driver of the Truck bearing registration No. CG 15 AC 5199 alleging that on 12.03.2022, he was carrying cement by the Truck from Gadva to Arasmeta, Janjgir and at about 4:20 a.m. between Chotiya to Lamna at National Highway 130, the driver of the Car while driving the car rashly and negligently dashed his Truck. Subsequently, a family member of the occupants of the Car lodged FIR No.106/2022 alleging that Ramesh Kumar Singh along with his two friends were going from Raipur to Ambikapur and at about 4:20 a.m. at Village- Lamna at National Highway 130 driver of the Truck bearing registration No. CG 15 AC 5199 while driving the Truck rashly and negligently dashed the Car resulting in the death of Ramesh Kumar Singh and his friends. On the basis of the respective allegations, offence under Section 304-A of

the IPC were registered against the drivers of the Car and the Truck. In FIR No.43/2022, a closure report has already been submitted before the competent Court on account of the death of the driver of the Car. In FIR No.106/2022, charge-sheet has been filed against the driver of the Truck and the criminal trial is pending before the competent Court.

4. Learned counsel for the petitioner/Insurance Company would submit that two FIRs have been registered in respect of the same accident and the same occurrence, which is impermissible in law. He would further submit that the subsequent FIR has been lodged only with an intention to create a case of negligence against the driver of the Truck so as to facilitate a claim for compensation against the petitioner/Insurance Company. He would further submit that for maintaining a claim under the Motor Vehicles Act, negligence on the part of the offending vehicle is required to be established. He would further submit that the first FIR was lodged against the driver of the Car and the Car was insured only for third-party risk, therefore, the subsequent FIR lodged by the relatives of the deceased occupants against the driver of the Truck is a calculated attempt to shift the liability upon the petitioner/Insurance Company and would pray for allowing the petition by issuing direction to investigate into the matters.

5. On the other hand, learned State counsel opposing the submissions made by learned counsel for the petitioner would submit that both the Truck and the Car were involved in the accident and the occupants/persons connected with both vehicles were affected by the occurrence, therefore, the lodging of separate FIRs from the respective sides cannot, by itself, be treated as illegal. He would further submit

that the allegations contained in the respective FIRs disclose rival versions of the same occurrence and the question as to which driver was rash or negligent is a matter to be determined on the basis of investigation and evidence and would pray for dismissal of the writ petition.

6. I have heard learned counsel for the parties and perused the documents placed on record with utmost satisfaction.

7. From perusal of the records, it is quite vivid that FIR No.43/2022 was lodged by the driver of the Truck alleging rash and negligent driving on the part of the driver of the Car, whereas FIR No.106/2022 was lodged by a family member of the deceased occupants of the Car alleging rash and negligent driving on the part of the driver of the Truck. The question as to which of the two versions is correct, whether the driver of the Car or the driver of the Truck was rash and negligent and whether the subsequent FIR was lodged with an ulterior motive to create liability upon the petitioner/ Insurance Company, are essentially questions of fact which cannot be adjudicated by this Court in exercise of power conferred under Article 226 of the Constitution, particularly when investigation pursuant to FIR No.106/2022 has culminated in filing of charge-sheet and the criminal trial is already pending.

8. During midst of argument, it has been transpired that one claim case filed before the 8th Motor Accident Claims Tribunal, Ambikapur has already been decided and its appeal is pending before this Court whereas another claim case has been filed before the court at Raipur. In such circumstances, any finding by this Court regarding the negligence of either driver or the genuineness of one FIR over the other

may have a direct bearing upon the pending proceedings under the Motor Vehicles Act as well as the criminal proceedings. The issues relating to negligence, liability and entitlement to compensation are required to be determined by the competent forums on the basis of the evidence available before them. Issuance of any direction at this stage will amount to supersede the award which has already been passed by the Motor Accident Claims Tribunal without being quashed by appellate court having jurisdiction to it.

9. The extraordinary jurisdiction under Article 226 of the Constitution cannot be invoked for the purpose of obtaining a finding on disputed questions of fact, particularly when the criminal proceedings arising out of FIR No.106/2022 are already pending before the competent criminal Court and the proceedings under the Motor Vehicles Act are also pending before the competent Claims Tribunal/appellate forum.

10. In view of the above, no ground is made out for issuing any direction for further investigation or for interfering with the pending criminal proceedings. The petitioner has failed to establish any exceptional circumstance warranting exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution.

11. Accordingly, the writ petition is liable to be and is hereby dismissed.

Sd/-
(Narendra Kumar Vyas)
Judge

Sd/-
(Sudhir Kumar)
Judge

Arun