



2026:KER:53140

W.P.(Crl.)Nos.15/2026, 721/2026 & 829/2026

1

'CR'

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

MONDAY, THE 20TH DAY OF JULY 2026 / 29TH ASHADHA, 1948WP(CRL.) NO. 15 OF 2026

CRIME NO.1170/2025 OF KALLAMBALAM POLICE STATION, THIRUVANANTHAPURAM

PETITIONER:

GEETHA
AGED 53 YEARS
NEDIYAVILA,
PERIKOTTUKONAM,
VETTIYARA, NAVAYIKULAM,
THIRUVANANTHAPURAM.,
PIN - 695603

BY ADV SRI.M.R.SARIN

RESPONDENTS:

- 1 STATE POLICE CHIEF OF KERALA
DGP OFFICE, VAZHUTHACAD,
THIRUVANANTHAPURAM.,
PIN - 695010
- 2 THE SUPERINTENDENT OF POLICE
THIRUVANANTHAPURAM RURAL,
OFFICE OF SUPERINTENDENT OF POLICE,
PALAYAM, THIRUVANANTHAPURAM.,
PIN - 695033
- 3 THE STATION HOUSE OFFICER
KALLAMBALAM POLICE STATION,
KALLAMBALAM,
THIRUVANANTHAPURAM.,
PIN - 695605

SRI. SAMEER.S, PUBLIC PROSECUTOR

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
20.07.2026, ALONG WITH WP(CRL.)Nos.721/2026 & 829/2026, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:



2026:KER:53140

W.P.(Crl.)Nos.15/2026, 721/2026 & 829/2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

MONDAY, THE 20TH DAY OF JULY 2026 / 29TH ASHADHA, 1948WP(CRL.) NO. 721 OF 2026PETITIONER:

GEORGE JOSEPH AMBALATHINGAL
AGED 35 YEARS
S/O.JOSEPH A.J,
AMBALATHINGAL HOUSE,
PUTHENPALLI, VARAPPUZHA P.O,
ERNAKULAM., PIN - 683517

BY ADV SRI.VIVEK VENUGOPAL

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695001
- 2 THE DIRECTOR GENERAL OF POLICE (LAW AND ORDER)
POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM, PIN - 695001
- 3 THE DISTRICT POLICE CHIEF (RURAL)
ALUVA, POWER HOUSE JUNCTION,
SUB JAIL ROAD, PERIYAR NAGAR,
ALUVA, ERNAKULAM., PIN - 683101
- 4 THE STATION HOUSE OFFICER
NEDUMBASSERY AIRPORT POLICE STATION,
NEDUMBASSERY, NEAR CIAL,
NAYATHODU P.O, ERNAKULAM., PIN - 683572
- 5 THE STATION HOUSE OFFICER
CYBER CRIME POLICE STATION,
SUB JAIL ROAD, PERIYAR NAGAR,
ALUVA, ERNAKULAM., PIN - 683101

SRI. SAMEER.S, PUBLIC PROSECUTOR

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
20.07.2026, ALONG WITH WP(CRL.)No.15/2026 AND 829/2026, THE COURT ON THE SAME
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

MONDAY, THE 20TH DAY OF JULY 2026 / 29TH ASHADHA, 1948WP(CRL.) NO. 829 OF 2026

CRIME NO.391/2025 OF KADAVANTHRA POLICE STATION, ERNAKULAM

PETITIONER:

ANJANA SABU
AGED 24 YEARS
D/O SABU, KARAYANTHARA (H), UDHAYANAPURAM P.O VAIKOM, KOTTAYAM,
KERALA., PIN - 686143

BY ADVS.SHRI.SANTHOSH PETER (MAMALAYIL)
SRI.P.N.ANOOP
SRI.M.S.SANDEEP SUDHAKARAN
SHRI.NADEEM NAZAR
SMT.NISSI V. RAJESH

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE ASSISTANT COMMISSIONER OF POLICE
ERNAKULAM CENTRAL
SUB-DIVISION, KOCHI,
KERALA, PIN - 682031
- 3 STATION HOUSE OFFICER
KADAVANTHRA POLICE STATION,
KADAVANTHRA, KOCHI,
KERALA,
PIN - 682020

SRI. SAMEER.S, PUBLIC PROSECUTOR

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
20.07.2026, ALONG WITH WP(CRL.).15/2026 & 721/2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



J U D G M E N T

Nowadays news reports about road accidents seldom catch the attention of newspaper readers. A stage has reached where the general public consider motor vehicle accidents, leading to casualties, the order of the day. Right from the occurrence, things will move on as a routine course with the injured or the dependents of those who lost life ultimately getting a claim award from the MACT after several years. Among the scores of road accidents occurring every day, there is a rare category of cases which are not given proper attention by the law enforcers, legal practitioners, and even to a certain extent, by Courts. Those are the hit and run cases where the offending vehicle and the culprits on wheels manage to escape from being caught notwithstanding the fact that there are CCTV cameras of shops and other establishments in almost every nook and corner of our roads. As matter stands now, the victims of such accidents bear the brunt of the treatment expenses, loss of earnings and devastated health since there is no effective implementation of the scheme by name 'Compensation to Victims of Hit and Run Motor Accidents Scheme, 2022' made under Section 161 of the Motor Vehicles Act, 1988. Three such cases are the subject matter of this judgment.

**W.P(CrI) No.721/2026**

2. An employee aged 35 years, working at HDFC Bank, while riding a motor bike, was hit down by a XUV car at about 8:30 p.m on 26.12.2025 at the busy stretch of Angamaly-Aluva road where many of the shops and establishments on either side are having CCTV cameras installed. The treacherous driver of that car, who drove away from that spot, could not be traced so far by our tech-savvy police force. That hapless victim, who spent more than Rs.20 Lakh for treatment, and still remaining crippled due to the severe spine injury he suffered in that accident, seeks the investigation to be handed over to an officer not below the rank of a Dy.S.P. He believes that the experience and expertise of a police officer of a high rank might pave the way for booking the offender and his rogue vehicle.

W.P(CrI) No.15/2026

3. A 60 year old mason, who was the sole bread-winner of his family, was hit down by a car at about 9:30 p.m on 31.08.2025 while riding scooter through the public road near Ethukkad market coming under Kallambalam Police Station limits of Thiruvananthapuram District. Due to the impact of the serious head injury suffered as a result of the



said accident, he lost his life after remaining in the ICU ventilator of Thiruvananthapuram Medical College till 2:00 a.m on 13.09.2025. The Kallambalam Police, which registered FIR under paragraph No.306(1)(c)(MA) of the Police Standing Order, are still unable to get any lead about the vehicle which knocked down the said victim. For the above reason, the wife of the deceased has filed the writ petition to entrust the investigation with any higher police official, hopeful of such high ranking police officer nabbing the offender. She has even produced a pen drive before this Court, which according to her, contained the CCTV visuals of the accident in which she lost her husband.

W.P(CrI) No.829/2026

4. A 24 year old lady, while riding her scooter in the broad day light at 9:15 a.m on 26.06.2025 through Kadavanthra-Panampilly Nagar road at Ernakulam city, was knocked down from behind by a motor cyclist who fled from the scene daring the huge traffic of several junctions ahead. The victim suffered multiple fractures of facial bones and right hand, in addition to the loss of several teeth and other injuries throughout the body, which required prolonged treatment for months thereafter. In spite of the presence of several police personnel deployed for traffic control and



maintenance of law and order throughout the stretch of the road through which the culprit surged ahead, he still remains outside the bounds of law. In this writ petition, the victim seeks a direction to the Assistant Commissioner of Police to conduct a fair, proper, effective and expeditious investigation to nab the law breaker and his vehicle so that she could institute a claim case before the MACT for compensation.

5. Heard the learned counsel for the petitioners in all the writ petitions, and the learned Government Pleader representing the respondents.

6. The success in tracing out the offending vehicles which flee from the spot after causing an accident, would depend on timely action in co-ordination with the whole police force of not only the District where the accident occurred, but also of the probable areas through which such vehicle might have passed after the commission of the crime. The need to put into service the latest technologies in telecommunication and forensic science at the earliest opportunity, is also an aspect which is of paramount importance to achieve a breakthrough in the investigation of hit and run cases. Such timely steps to track and apprehend the rogue vehicles fleeing from the spot after hitting down a pedestrian or the traveller of



another vehicle, could be put into practice only if a mechanism is arranged for meeting such exigencies. Unless special arrangements are made in each District, to have coordinated efforts to narrow down and catch such offending vehicles, incidents of this nature will be on the rise. Except for those cases, which become sensational due to media intervention, the Police will put the investigation in the back-burner when they find that it is not an easy task to trace the offender and the rogue vehicle. It is very important to note that the possibility of at least a few of such cases being deliberate attempts to endanger the life, which may amount to murder, culpable homicide, attempt to murder, etc., cannot be ruled out. Thus, the failure of the investigating agency to book the culprits in such cases would entail disastrous consequences to the administration of criminal justice. Therefore, it is high time for the intervention of this Court to give directions to Police higher-ups to constitute special squads in each Districts to co-ordinate effective steps for the round up and apprehension of offending vehicles and culprits vanishing from the bounds of law after accidentally or deliberately hitting down the traveller of other vehicles, or even pedestrians.



7. Another aspect which deserves serious consideration in this context is the inadequacy and ineffectiveness of the 'Compensation to Victims of Hit and Run Motor Accidents Scheme, 2022' (for short 'the Scheme') which the Central Government published on 25.02.2022, in accordance with the mandate of Section 161 of Motor Vehicles Act, 1988. The Hon'ble Supreme Court had the occasion to consider the shortcomings of the Scheme in **Rajaseekaran.S v. Union of India [AIR 2024 SC 583]**. Taking note of the road blocks in the effective implementation of the aforesaid Scheme to assuage the sufferings of the victims of hit and run motor accidents, the Hon'ble Supreme Court had given ten directions in the order passed in the aforesaid case which are extracted hereunder:

- "i) We direct the Standing Committee to consider the annual report submitted by the General Insurance Council as provided in paragraph 5 of the minutes of the meeting dated 16th August 2023 and to make recommendations to the Central Government, if necessary, for the amendment of the Scheme;*
- ii) The Standing Committee may also issue directions for the effective implementation of the Scheme. The Standing Committee shall address the major concern that notwithstanding the availability of the Scheme, very few eligible claimants are taking benefit of the Scheme;*



- iii) The Standing Committee shall issue elaborate directions for developing public awareness and for sensitisation of the members of the public about the Scheme; and*
- iv) We grant the time of four months to the Standing Committee to report compliance with the directions mentioned above to this Court.*
- v) If the particulars of the vehicle involved in the accident are not available at the time of registration of the report regarding the accident by the jurisdictional Police Station and if, after making reasonable efforts, the particulars of the vehicle involved in the accident could not be ascertained by the Police within a period of one month from the date of registration of accident report, the officer-in-charge of the Police Station shall inform in writing to the injured or the legal representatives of the deceased, as the case may be, that compensation can be claimed under the Scheme. The contact details such as e-mail ID and office address of the jurisdictional Claims Enquiry Officer shall be provided by the Police to the injured or the legal representatives of the deceased, as the case may be;*
- vi) The officer in charge of the Police Station, within one month from the date of the accident, shall forward the FAR to the Claims Enquiry Officer as provided in sub-clause (1) of clause 21 of the Scheme. While forwarding a copy of the said report, the names of the victims in case of injury and the names of the legal representatives of the deceased*



victim (if available with the Police Station) shall also be forwarded to the jurisdictional Claims Enquiry Officer, who shall cause the same to be entered in a separate register. After receipt of the FAR and other particulars as aforesaid by the Claims Enquiry Officer, if the claim application is not received within one month, the information shall be provided by the Claims Enquiry Officer to the concerned District Legal Service Authority with a request to the said authority to contact the claimants and assist them in filing the claim applications;

vii) A Monitoring Committee shall be constituted at every district level consisting of the Secretary of the District Legal Service Authority, the Claims Enquiry Officer of the district or, if there is more than one, the Claim Enquiry Officer nominated by the State Government, and a police officer not below the level of Deputy Superintendent of Police as may be nominated by the District Superintendent of Police. The Secretary of the District Legal Services Authority shall be the Convener of the Monitoring Committee. The Committee shall meet at least once in every two months to monitor the implementation of the Scheme in the district and the compliance with the aforesaid directions;

viii) The Claims Enquiry Officer shall ensure that a report containing his recommendation and other documents are forwarded to the Claim Settlement Commissioner within one month from receipt of the claim application duly filled in;



- ix) The Registry of this Court shall forward a copy of this order to the Member Secretaries of the Legal Services Authorities of each State and Union Territories. The Member Secretaries shall, in turn, forward the copies of this order to the Secretaries of each District Legal Services Authorities within its jurisdiction. After receipt of the copies of this order, the Secretaries of the District Legal Services Authorities shall take steps to form the Monitoring Committees for their respective districts and*
- x) The Secretaries of the District Legal Services Authorities shall submit quarterly reports on the functioning of the Monitoring Committees to the Member Secretaries of the respective Legal Services Authorities of the State or the Union Territories, as the case may be. The Member Secretaries shall collate the reports submitted by all districts and forward a comprehensive report to the Registry of this Court.”*

8. In the same decision, the Hon'ble Supreme Court had considered the inadequacy of the amounts fixed as compensation for death and grievous injury under Sub-Section (2) of Section 161 of MV Act (Rupees Two lakh for death, and Rupees Fifty thousand for serious injuries) and directed the Central Government to consider whether the compensation amounts can be gradually enhanced annually. It was further



directed that the Central Government shall take an appropriate decision on this issue within eight weeks from the date of that order. It appears that no such decision has so far been taken by the Central Government in compliance with the aforesaid direction.

9. It is high time that the Central Government should wake up from slumberness and take appropriate steps, which would provide solace to hundreds of victims of hit and run accident cases who, for no fault of theirs, are deprived of the reliefs as in the case of an accident where the offending vehicle is detected. The inability of the State Machinery to find out ways and means to provide compensation to the victims of hit and run motor accidents on par with the compensation which the victims of other accidents received from Claims Tribunals, would amount to nothing short of injustice and impertinence to the sufferings of a section of accident victims. Though the financial constraints of the Government cannot be stated as a reason for not taking the necessary steps in the above regard, it is desirable that the authorities concerned shall look into the system being followed in Australia and England to provide compensation to such victims without incurring huge financial burden to the Government.



10. The Motor Accident Injuries Act, 2019 ('MAIA' for short) of Australia contains effective and beneficial provisions to address the issue of providing adequate compensation to the victims of hit and run motor accidents. The aforesaid enactment envisages the formation of Australian Capital Territory Insurance Authority (ACTIA), which is given the nomenclature as 'nominal defendant' in the relevant provisions. Sections 324, 325, 326 & 327 of MAIA make the 'nominal defendant' liable to pay appropriate compensation to the victims of accidents caused by unregistered, uninsured and unidentified motor vehicles. For the payment of such compensation, Section 330 of MAIA provides for constituting Nominal Defendants Fund, making use of various sources like the deductions out of penalties, contributions, investments, etc.

11. The Road Traffic Act, 1988, of Halsbury's Statutes of England and Wales, contains provisions for the constitution of Motor Insurers' Bureau (*'MIB' for short*) which is a company limited by guarantee, where insurers wishing to be part of motor insurance business, have to mandatorily take membership and contribute proportionate to their fee income from the motor insurance business. The MIB is required to enter into agreement with the UK Secretary of State for Transport, towards



providing compensation to the victims of accidents caused by uninsured drivers and untraced drivers. As per the above agreements, named as Uninsured Drivers Agreement (UDA), 2015 and Untraced Drivers Agreement (UtDA), 2017, mechanism is provided for the payment of compensation to the victims of such category of accidents caused by uninsured or untraced drivers. The lawmakers of our country shall ponder their serious thoughts about studying the aforesaid systems being followed in Australia and England, to take care of the victims of hit and run accidents.

12. In our country, the Central Government could also think of making amendments to the penal provisions of the Motor Vehicles Act and the Bharatiya Nyaya Sanhita, 2023, to deduct an amount from the fines imposed, for mobilising the funds required for the payment of compensation under the Scheme. So also, appropriate provisions for the levy of cess from registration fee, permit fee, license fee, insurance premium, etc., could be looked into to find source for constituting funds for the payment of compensation under the Scheme. It would be ideal if the Central Government thought of bringing in appropriate legislation for the formation of a Statutory Authority like ACTIA of Australia or MIB of



England, and constitute a corporate fund for the payment of the claim awards of hit and run accident cases by such Statutory Authority. Appropriate changes could also be made in the Scheme enabling the claimants in such cases to get relief from the Motor Accident Claims Tribunals in petitions instituted against such Statutory Authority arraigned as 'nominal defendant' or 'nominal respondent'. In claim cases against uninsured vehicles also, it would be a great succour to the victims if the award amount is met by such Statutory Authority from the funds so constituted, thereby sparing the claimants from the plight of running after the properties of the owner of the vehicles for realisation of award amount. This aspect assumes much significance in view of the rising complaints from insurance companies about the claimants and Police conspiring together and planting vehicles when it is found that the vehicle which actually caused the accident was uninsured.

13. In the light of the discussions aforesaid, I deem it appropriate to issue the following general directions to the authorities concerned:

1) The State Police Chief, Kerala, is hereby directed to constitute Special Squads in each Districts under the direct supervision of the District



Police Chiefs to take timely action to trace out and apprehend offending vehicles and offenders of hit and run cases.

2) Appropriate orders shall be issued by the State Police Chief for the functioning of such Special Squads for each District, in coordination with each other. Directions shall also be issued to the whole police personnel to alert the Special Squad about any such incident coming to their knowledge, and to render all assistance to the Special Squad in their efforts to trace out the offenders and offending vehicles. The Cyber Police Personnel should be given the direction that they should give top priority to the requests and communications received from Special Squads.

3) Wide public awareness shall be given about the functioning of such Special Squads by giving the contact numbers, so that any person, who had the occasion to witness any such incidents, would be able to alert the Special Squad immediately.

4) It is expected that the Central Government will take immediate steps for modifying the Scheme, and bringing in the necessary and appropriate legislations for the implementation of the directions of Hon'ble Supreme Court in **Rajaseekaran.S v. Union of India [AIR 2024 SC 583]**. For the mobilisation of funds for payment of adequate



compensation to the victims and the dependents of deceased victims of such cases, on par with the compensation being awarded by Motor Accidents Claims Tribunals in other cases, the Government may explore the scope of following the systems at Australia and England, stated in paragraph nos.10,11 and 12 above, with appropriate modifications.

With the above general directions, these writ petitions are disposed of as follows:

i) **W.P(CrI) No.721/2026**

The second respondent (State Police Chief, Kerala) is hereby directed to pass the necessary orders to hand over the investigation in Crime No.1540/2025 of Nedumbassery Airport Police Station, to a team of the District Crime Branch headed by an officer not below the rank of Deputy Superintendent of Police.

ii) **W.P(CrI) No.15/2026**

The first respondent (State Police Chief, Kerala) is hereby directed to pass the necessary orders to hand over the investigation in Crime No.1170/2025 of Kallambalam Police Station, Thiruvananthapuram Rural, to a team of the District Crime Branch headed by an officer not below the rank of Deputy Superintendent of Police.



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iii) **W.P(Crl) No.829/2026**

The State Police Chief, Kerala is hereby directed to pass the necessary orders to hand over the investigation in Crime No.391/2025 of Kadavanthra Police Station, Ernakulam City, to a team of the District Crime Branch headed by an officer not below the rank of Deputy Superintendent of Police.

The Registry shall transmit copies of this judgment to the Cabinet Secretary, Government of India, and the Chief Secretary and the State Police Chief of Kerala, for information and urgent necessary action.

(sd/-)

G. GIRISH, JUDGE

jsr/DST



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APPENDIX OF WP(CRL.) NO. 15 OF 2026

PETITIONER EXHIBITS

- | | |
|-------------------|--|
| EXHIBIT P1 | THE TRUE COPY OF THE F.I. R NO 1170/2025 OF
KALLAMBALAM POLICE STATION,
THIRUVANANTHAPURAM DATED 13.09.2025 |
| EXHIBIT P2 | THE TRUE COPY OF THE REPRESENTATION FILED
BY THE PETITIONER BEFORE THE 1ST RESPONDENT
DATED 19.11.2025 |
| EXHIBIT P3 | TRUE COPY OF THE THE VIDEO FOOTAGE
CONTAINED IN THE PENDRIVE |



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W.P.(Crl.)Nos.15/2026, 721/2026 & 829/2026

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APPENDIX OF WP(CRL.) NO. 721 OF 2026

PETITIONER EXHIBITS

EXHIBIT P1 TRUE PHOTOCOPY OF THE FIR IN CRIME
NO.1540/2025 REGISTERED BY THE 4TH
RESPONDENT DATED 31.12.2025

EXHIBIT P2 TRUE PHOTOCOPY OF THE DISCHARGE SUMMARY
ISSUED FROM ASTER MEDCITY HOSPITAL,
ERNAKULAM DATED 05.01.2026

EXHIBIT P3 TRUE PHOTOCOPY OF THE DISCHARGE SUMMARY
ISSUED FROM ASTER MEDCITY HOSPITAL,
ERNAKULAM DATED 11.01.2026

EXHIBIT P4 TRUE PHOTOCOPY OF THE DISCHARGE SUMMARY
ISSUED FROM SUKINO HOSPITAL, VYTTILA DATED
02.03.2026



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APPENDIX OF WP(CRL.) NO. 829 OF 2026

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE FIR DATED 29.06.2025 IN
CRIME NO.391/2025 OF KADAVANTHRA POLICE
STATION

EXHIBIT P2 TRUE COPY OF THE DISCHARGE SUMMARY DATED
05.07.2025 ISSUED FROM INDIRA GANDHI
CO-OPERATIVE HOSPITAL, GANDHI NAGAR

EXHIBIT P3 TRUE COPY OF THE COMPLAINT DATED
30.10.2025 SUBMITTED BY THE FATHER OF THE
PETITIONER BEFORE THE 2ND RESPONDENT

EXHIBIT P4 TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT
ISSUED FROM THE OFFICE OF THE 2ND
RESPONDENT DATED 30.10.2025