

Crl.O.P.Nos.2302 and 4174 of 2021
and
Crl.M.P.No.13952 of 2021

N.ANAND VENKATESH. J.,

When the matter was taken up for hearing today, the learned Government Advocate (Criminal Side) filed the status report of the Assistant Inspector General of Police, Law and Order, Chennai and sought for some more time to complete the enquiry and to file a report pursuant to the orders passed by this Court on 10.12.2021.

2. It is seen from records that insofar as Crl.O.P.No.2302 of 2021 is concerned, there are totally 84 claims which has been furnished by way of filing a separate application in Crl.M.P.No.13952 of 2021. All these claims were pending before the ADJ, Hosur or before the PSJ, Hosur. Surprisingly, all these claims were dismissed as not pressed during the year 2019. This is not merely coincidental and it is more a knee-jerk reaction after complaints were made to the effect that claims have been filed with false and fabricated medical and hospital records of Cavery Hospital, Hosur. It is not clear as to whether the concerned Judges before dismissing the 84 claims as not pressed, even conducted any preliminary enquiry to ascertain as to why so

many claims are not pressed. It is also not known as to whether these claims have been not pressed with the knowledge of the concerned claimants. The 84 cases have been dismissed as not pressed only based on the endorsement made by the learned counsel who were appearing on behalf of the claimants.

3. The petition filed in Crl.M.P.No.13952 of 2021 along with all the relevant documents was also served on the learned Government Advocate and the learned Government Advocate was directed to instruct the Police to conduct the enquiry and to report. The status report filed today seeks for some more time to complete the enquiry and to file a report.

4. This Court has no difficulty in granting some more time to the respondent-police to complete the enquiry and file a report. However, in the meantime, a process must be undertaken to ensure that the claims were not pressed only based on instructions from the claimants. It must also be ensured that by withdrawing the claims, the parties/advocates do not escape the consequences of filing false and fabricated medical/hospital records that is said to have been obtained from Cavery Hospital, Hosur. In view of the

seriousness of the allegations made in the present case to the effect that a total of Rs.11.70 Crores was claimed in 84 cases filed based on fabricated/false medical/hospital records and a complaint was also made by the Caverry Hospital, Hosur in CSR No.71 of 2019 before the Hosur Police Station which is said to have been closed as Action dropped, and in view of the fact that the claims came to the withdrawn as not pressed subsequently, this Court wants to probe into this issue thoroughly and safeguard the interest of the genuine claimants and take action against the erring parties, officers and advocates who may be involved in this scam. For this purpose, this Court also wants to *Suo Motto* implead the Secretary, Tamil Nadu State Legal Services Authority as a party to the proceedings to help the cause of the genuine claimants. Accordingly, the following directions are issued:-

(a) The Secretary, Tamil Nadu State Legal Services Authority is *Suo Motto* added as the 5th respondent in the Crl.O.P.No.2302 of 2021 and Mr.C.K.Chandrasekaran, learned standing counsel is directed to take notice on behalf of the Tamil Nadu State Legal Services Authority. The learned counsel for the petitioner shall serve all the papers on the learned standing counsel;

(b) There shall be a direction to the respondent-police to continue with the enquiry and a report shall be filed before this Court before the next date of hearing. While conducting the enquiry, the grievance that is expressed by the New India Assurance Company Limited in Crl.O.P.No.4174 of 2021 shall also be taken into consideration and a separate report shall be filed with regard to those complaints made by the said insurance company;

(c) The Secretary, Tamil Nadu State Legal Services Authority is directed to co-ordinate with the District Legal Services Authority and the claimants who have made the claims in the 84 MCOPs shall be summoned and enquiry shall be conducted to find out if the claims were not pressed after getting their concurrence. While conducting the enquiry, the Legal Services Authority shall also identify genuine claims and report it to the concerned insurance companies. For this purpose, the Legal Services Authority shall co-ordinate with the learned counsel for the petitioner;

(d) The Legal Services Authority will be incurring some

expenses for summoning the various claimants and hence, this Court deems it appropriate to direct Cholamandalam MS General Insurance Company Limited to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) in this regard before the Tamil Nadu State Legal Services Authority within a period of two weeks from today. This amount shall be shared by all the insurance companies handling Motor Insurance Policies;

(e) Wherever the State Legal Services Authority identifies genuine claims and reports the same before the concerned insurance companies, steps shall be taken to make an attempt and settle the claims. The learned counsel for the petitioner shall co-ordinate in this regard with all the concerned insurance companies. This will save a lot of time and the genuine claimants will also get Just compensation;

(f) The 84 cases which are annexed along with the order is directed to be restored on file by the respective Additional District Judges and Principal District Judge at Hosur. This direction is issued in exercise of the powers of this Court under Article 226 and 227 of the Constitution of India in order to

safeguard the larger interests of the claimants. In all the 84 cases, the State Legal Services Authority in co-ordination with the District Legal Services Authority shall appoint Panel Advocates to represent the claimants. This will ensure that in all those cases where the parties are able to arrive at a settlement and just compensation is fixed, an award can be passed by recording the compromise. In all those cases where there is a contest, the claimants will be ably assisted by the Panel Advocates to safeguard their rights and interests. If ultimately, it is found that fabricated/false records were filed before the Court, it will enable the Court to initiate action in the concerned MCOP cases;

(g) The Secretary, Tamil Nadu State Legal Services Authority is also directed to file a report before this Court during the next date of hearing; and

(f) In the additional affidavit filed in Crl.O.P.No.2302 of 2021, it is stated at paragraph Nos.5 to 7 as follows:

'4. In fact, there is a concerted conspiracy from the moment an accident takes place. While, it is a matter of common knowledge that there are teams

comprising brokers who handle such claims and there are specialized practitioners, pursuing claims for compensation, the modus operandi appears to be skilled and well entrenched to cause serious prejudice to all important stake holders.

5. There are several instances of even 108 Ambulances being driven to a private hospital, very nearly hijacked, one can say, after recording Accident Register copy in a government hospital, for the record. This has a critical and detrimental impact on trauma care, during the "Golden Hour" in the treatment to victims.

6. There are several instances of delay and as such the State of Tamil Nadu has come up with TAEI (Tamil Nadu Accident and Emergency Care Initiative) with trauma care centers on the high ways. They cater to the affected with excellent infrastructure support in saving lives by providing immediate and specialized trauma care.'

The special investigation team is directed to enquire the concerned officials of TAEI and their statement shall also be recorded and follow up action shall be taken and the same shall also form a part of the report to be filed by the respondent-police.

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5. Post this case under the caption "For Filing Report and For Passing Further Orders" on 04.04.2022.

24.01.2022

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and
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To

1.Principal Sessions Judge,
Hosur.

2.The Tamil Nadu State Legal Services Authority.

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S.N	MCOP	Court	Petitioner Name	Claimed Amt	Date of Petition	Status	Date of Not Pressed
1	75/2019	ADJ Hosur	Venkatesh	2000000	07-03-2019	Not Pressed	09-08-2019
2	87/2019	ADJ Hosur	Jeyarama Reddy	2000000	07-03-2019	Not Pressed	09-08-2019
3	274/2019	ADJ Hosur	Chinnasamy	1500000	13-06-2019	Not Pressed	26-09-2019
4	324/2019	ADJ Hosur	Vinoth S	1500000	24-06-2019	Not Pressed	09-08-2019
5	94/2019	ADJ Hosur	Minor Kaali Aakashsreevasreddy	1000000	07-03-2019	Not Pressed	28-06-2019
6	74/2019	ADJ Hosur	Adhinarayanareddy	2000000	07-03-2019	DFD	02-08-2019
7	235/2019	PSJ Hosur	Selvam		22-02-2019	Not Pressed	22-08-2019
8	147/2019	ADJ Hosur	Kannan	1000000	22-03-2019	Not Pressed	13-09-2019
9	104/2019	ADJ Hosur	Sekar	2000000	20-02-2019	Not Pressed	22-08-2019
10	474/2018	ADJ Hosur	Perumal	2000000	30-10-2018	Not Pressed	09-04-2019
11	486/2018	ADJ Hosur	Venkatesh	1000000	01-11-2018	Not Pressed	13-06-2019
12	86/2019	ADJ Hosur	Dhanabalan	2000000	07-03-2019	Not Pressed	27-06-2019
13	419/2018	ADJ Hosur	Narendra	2000000	03-08-2018	Not Pressed	13-08-2019
14	415/2018	ADJ Hosur	Poongodi	2000000	03-04-2018	Not Pressed	13-08-2019
15	202/2018	ADJ Hosur	Muniraju	1000000	26-06-2018	Not Pressed	25-04-2019
16	421/2019	ADJ Hosur	Kumar	1500000	30-07-2019	Not Pressed	29-08-2019
17	274/2019	PSJ Hosur	Sunilkumar	1000000	22-02-2019	Not Pressed	18-10-2019
18	289/2019	PSJ Hosur	Minor Kubendran	3000000	25-02-2019	Not Pressed	13-09-2019
19	421/2019	ADJ Hosur	Anbarasan	1000000	11-02-2019	Not Pressed	26-09-2019
20	257/2019	PSJ Hosur	Chinnapaiyan		22-02-2019	Not Pressed	26-09-2019
21	298/2019	PSJ Hosur	Murugesan		25-02-2019	Not Pressed	27-09-2019
22	53/2019	ASJ Hosur	Lakshmi		07-02-2019	Not Pressed	26-09-2019
23	253/2019	PSJ Hosur	Manjula	1000000	22-02-2019	Not Pressed	04-09-2019
24	285/2019	PSJ Hosur	Shanthi Swaroop	1000000	25-02-2019	Not Pressed	13-09-2019
25	304/2019	ADJ Hosur	Purushothaman	1000000	15-06-2019	Not Pressed	19-09-2019
26	402/208	ADJ Hosur	Rajan @ Rajan Chandrasekaran	1000000	22-10-2018	Not Pressed	02-08-2019
27	477/2018	ADJ Hosur	Sivarajkumar	1000000	30-10-2018	Not Pressed	16-08-2019
28	489/2018	ADJ Hosur	Samiullah	2000000	31-10-2018	Not Pressed	16-08-2019
29	302/2019	ADJ Hosur	Minor Malik Arsuna	1000000	15-06-2019	Not Pressed	19-09-2019
30	249/2019	PSJ Hosur	Suresh	2000000	22-02-2019	Not Pressed	26-08-2019
31	296/2019	PSJ Hosur	Yellappa		22-02-2019	Not Pressed	06-09-2019
32	244/2019	PSJ Hosur	Radhakrishnan		22-02-2019	Not Pressed	20-09-2019
33	480/2018	ADJ Hosur	Bhavya @ Pappiya	1000000	01-11-2018	Not Pressed	05-09-2019
34	509/2018	ADJ Hosur	Nagarajan	1500000	08-11-2018	Not Pressed	18-10-2019
35	317/2019	PSJ Hosur	Mahalskhmi	1000000	25-02-2019	Not Pressed	21-08-2019
36	315/2019	PSJ Hosur	Dhivakar		25-02-2019	Not Pressed	27-08-2019
37	252/2019	PSJ Hosur	Mrugesh		22-02-2019	Not Pressed	21-08-2019
38	22/2019	ADJ Hosur	Mailarappa	1000000	01-02-2019	Not Pressed	18-10-2019
39	310/2019	ADJ Hosur	Marappa	2000000	15-06-2019	Not Pressed	07-08-2019
40	214/2019	ADJ Hosur	Arulmozhi	1200000	23-04-2019	Not Pressed	06-09-2019
41	213/2019	ADJ Hosur	Minor Shanmuga	1500000	23-04-2019	Not Pressed	06-09-2019
42	212/2019	ADJ Hosur	Sankaran G	1000000	23-04-2019	Not Pressed	06-09-2019

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S.N	MCOP	Court	Petitioner Name	Claimed Amt	Date of Petition	Status	Date of Not Pressed
43	301/2019	ADJ Hosur	Munireddy	2000000	14-06-2019	Not Pressed	19-09-2019
44	309/2019	PSJ Hosur	Devamanalan	1500000	25-02-2019	Not Pressed	07-09-2019
45	314/2019	PSJ Hosur	Lalitha D	1500000	25-02-2019	Not Pressed	29-08-2019
46	458/2018	ADJ Hosur	Minor Vishnu	700000	10-10-2018	Not Pressed	18-09-2019
47	193/2019	ADJ Hosur	Sundrasekar	1000000	03-04-2019	Not Pressed	03-10-2019
48	219/2019	ADJ Hosur	Thara Devi	1500000	23-04-2019	Not Pressed	18-10-2019
49	191/2019	ADJ Hosur	Krishnan K Pillai		03-04-2019	Not Pressed	15-11-2019
50	242/2019	ADJ Hosur	Nagaveni	2000000	03-06-2019	Not Pressed	22-08-2019
51	321/2019	PSJ Hosur	Narayanappa	1500000	25-02-2019	Not Pressed	05-09-2019
52	61/2018	ADJ Hosur	Ramesh	1000000	13-03-2018	Not Pressed	29-11-2019
53	367/2018	ADJ Hosur	Ramachandrappa	1000000	02-04-2018	Not Pressed	16-08-2019
54	69/2019	ADJ Hosur	Pasamma	2000000	07-03-2019	Not Pressed	27-09-2019
55	70/2019	ADJ Hosur	Sivarudhrappa	2000000	07-03-2019	Not Pressed	27-09-2019
56	114/2019	ADJ Hosur	Thimmaraj	2000000	07-03-2019	Not Pressed	27-09-2019
57	39/2019	PSJ Hosur	Sunil	1000000	07-02-2019	Not Pressed	20-08-2019
58	229/2019	PSJ Hosur	Maesh		22-02-2019	Not Pressed	22-08-2019
59	251/2019	PSJ Hosur	Devaraj	2000000	22-02-2019	Not Pressed	27-08-2019
60	427/2018	ADJ Hosur	Santhamma	1000000	24-10-2018	Not Pressed	03-08-2019
61	99/2019	ADJ Hosur	Shaik Saddam	2000000	11-03-2019	Not Pressed	05-08-2019
62	261/2019	ADJ Hosur	Lakhmaiya @ Lakshmappa	1000000	06-06-2019	Not Pressed	27-09-2019
63	149/2019	ADJ Hosur	Hanumanthappa & 04 Others	7000000	28-03-2019	Not Pressed	02-08-2019
64	325/2019	ADJ Hosur	Minor Saran	800000	05-07-2019	Not Pressed	25-10-2019
65	318/2019	PSJ Hosur	Kiran Kumar	1000000	25-02-2019	Not Pressed	04-09-2019
66	234/2019	PSJ Hosur	Manjunath	1000000	25-02-2019	Not Pressed	04-09-2019
67	233/2019	PSJ Hosur	Sivakumar	1000000	22-02-2019	Not Pressed	04-09-2019
68	112/2018	ADJ Hosur	Sornam M	1000000	07-04-2018	Not Pressed	05-08-2019
69	437/2018	ADJ Hosur	Venkatalakshmiyamma	2000000	25-10-2018	Not Pressed	16-08-2019
70	288/2019	PSJ Hosur	Shankar	1000000	25-02-2019	Not Pressed	29-08-2019
71	130/2019	ASJ Hosur	Chinnaswamy	2000000	11-02-2019	Not Pressed	26-08-2019
72	453/2018	ADJ Hosur	Naveen Kumar	2000000	29-10-2018	Not Pressed	14-08-2019
73	472/2018	ADJ Hosur	Santhosh @ Santhoshkumar	2000000	29-10-2018	Not Pressed	29-08-2019
74	368/2018	ADJ Hosur	Sivaraj	800000	05-10-2018	Not Pressed	04-10-2019
75	66/2019	ADJ Hosur	Munusamiyappa	1000000	11-02-2019	Not Pressed	18-10-2019
76	256/2019	PSJ Hosur	Muzhaith	1000000	22-02-2019	Not Pressed	13-09-2019
77	294/2019	PSJ Hosur	Sarasamma		25-02-2019	Not Pressed	21-10-2019
78	138/2016	ADJ Hosur	Gopal & 03 Others	2000000	27-04-2016	DFD	25-10-2019
79	198/2018	ADJ Hosur	Murali	3000000	26-06-2018	DFD	28-08-2019
80	236/2018	ADJ Hosur	Saravanan T	4000000	11-07-2018	DFD	18-10-2019
81	246/2018	ADJ Hosur	Minor Visalachi K	1000000	19-07-2018	DFD	24-10-2019
82	216/2018	ADJ Hosur	Mageshwari M	1000000	05-07-2018	DFD	24-10-2019
83	402/2018	ADJ Hosur	Rajan @ Rajan Chandrasekaran	1000000	22-10-2018	DFD	02-08-2019
84	214/2017	ADJ Hosur	Sangeetha & Another	5000000	20-07-2017	DFD	11-07-2019