



Crl.OP No.2302 of 2021 and 4174 of 2021

N.ANAND VENKATESH, J

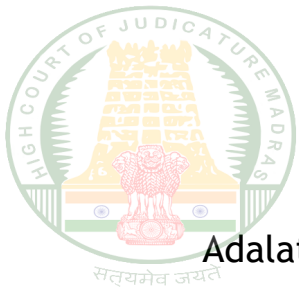
Pursuant to the orders passed by this Court on 24.01.2022, the matter was posted for hearing today. The Member Secretary of the Tamil State Legal Services Authority has filed a report. It is seen from this report that an enquiry committee was formed and summons were issued to all the petitioners in the 82 MCOP cases and they were asked to appear on the date fixed by the Committee. Out of the 82 cases, parties relating to 60 cases appeared for the enquiry and in 22 cases, no one appeared. The parties were also asked to give their statement by way of an affidavit and the parties were identified with Aadhar Card, Ration card etc.,

2. Out of the 60 cases, the parties who appeared in 23 cases have informed the committee that they are ready to prosecute the claim petitions and they have also stated that they were not aware about the withdrawal of the cases. Insofar as 36 cases are concerned, the parties have informed the committee that they



are not willing to continue prosecuting the cases before the Motor Accident Tribunal. Insofar as the 22 cases where the parties did not appear, the enquiry committee has once again issued notices and in 3 cases they were not able to trace the petitioners even though the address mentioned pertained to Krishnagiri District. In the remaining 19 cases, these persons were found to be residing in other states and hence, the enquiry committee has decided to take the assistance from the other State Legal Services Authority and to serve notice to the concerned petitioners and call them for enquiry.

3. The learned Standing Counsel appearing on behalf of the Tamil Nadu State Legal Services Authority submitted that pursuant to the earlier orders passed by this Court, all the 84 cases were revived before the concerned Courts. The learned counsel further submitted that for the 23 cases where the parties are willing to continue with the claim petition, steps are being taken to appoint Legal Aid counsel and further steps have also been taken to inform the concerned insurance companies to list those cases before the Lok



Adalat and attempt for an amicable settlement.

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4. The Deputy Superintendent of Police, CCIW - CID, Coimbatore Sub division, has filed a status report. It is seen from the status report that a thorough investigation has been done in all the 84 cases. It is seen that there are actually 82 MCOPs which had emanated from the accident cases falling under the jurisdiction of 10 Police stations which had registered 73 FIRs. The Tabular Column containing the police stations and the FIRs registered, is found at Paragraph No.5(b) of the status report.

5. The investigation team had visited all the 10 police stations and collected the necessary particulars and thereafter, they have conducted the enquiry at Kauvery Hospital and Ashok Hospital situated at Hosur. The investigation team found that out of the 80 MCOP cases, the medical bills were found to be false and fabricated. In 12 cases, the actual medical bill was found to be of a lesser amount and whereas the fake bill had mentioned exorbitant amounts.



The tabular Column explaining the same is found at Paragraph 5 (c) of the report. That apart, in 68 MCOPs, the very medical bills that were submitted before the Courts were fake and in all these cases, the injured had not even taken treatment in the concerned hospital. The particulars regarding those 68 cases have been tabulated in Paragraph 5 (d) of the report.

6. The Investigation team had also enquired some of the victims / claimants and found that in 39 MCOP cases, they were not even aware that their cases have been closed as “not pressed”.

7. The investigation team on conducting a through enquiry has found that the following Advocates were the brain behind these fake claims :-

- (a) A. Manohar Reddy, Advocate, Hosur
- (b) V. Bharathi W/o.Manohar Reddy, Advocate,
Hosur
- (c) K.Selvi, Advocate, Hosur and



(d) M.Sankar, Advocate, Hosur

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8. The investigation team has also found that one Antony Joseph who was working as the executive in the Kauvery Hospital was the one who had created the fake / fabricated bills. This person was terminated by the Hospital Management on 06.04.2019.

9. The report of the Deputy Superintendent of Police has listed the names of 14 insurance companies which pertains to the 82 MCOP cases.

10. A separate status report has also been filed with respect to the petition filed by the New India Assurance Company Limited. In the said report, it has been mentioned that totally 12 FIRs have been transferred to the file of the Special Investigation Team from all the four zones. That apart, the Special Investigation team, Chennai, has commenced investigation on 32 FIRs which were registered on the complaint given by the New India Assurance Company Limited. It is



stated that in the course of investigation, the Special Investigation Team will ascertain the fake claims and a report will be filed before this Court on completion of the preliminary investigation.

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11. The report filed by the Tamil Nadu State Legal Services authority and the District Superintendent of Police, CCI Wing-CID makes shocking revelations which requires immediate remedial measures and stringent action.

12. The Special Investigation Team, Coimbatore, West Zone based on the materials collected by them in the inquiry, shall give a formal complaint based on the orders passed in this petition before the concerned jurisdictional police stations within a period of two weeks from today.

13. After the FIR is registered by the Concerned jurisdictional police station, the investigation shall be transferred to the file of the Special Investigation Team, West Zone and the



investigation shall be conducted by the Deputy Superintendent of Police, CCIW, CID Coimbatore Sub Division. This officer shall be conferred with all the powers of investigation including arrest, remand, seizure etc.,

14. The Investigation officer shall proceed further with the investigation and all attempts shall be made to file the final report within a period of four months from the date of registration of the FIRs, before the concerned Jurisdictional Court.

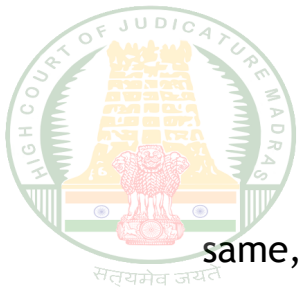
15. The Tamil Nadu State Legal Services Authority shall assist the petitioners /claimants in the 23 cases where they informed that they want to prosecute further with the MCOP cases.

16. Even insofar as the claims where the concerned petitioners / claimants have expressed that they do not want to prosecute the case any further, they shall be summoned by the concerned Court and they shall be enquired in order to find out if



such statements are being made voluntarily or due to some threat exerted from else where. The concerned Court shall carefully examine every case where the claimants express their unwillingness to proceed further with the claim and ensure that the process of the Court had not been abused and it is not done to escape from the consequences of having filed the claim petition with the support of fake and fabricated medical bills. In those cases, the concerned persons cannot be allowed to escape just because they do not want to prosecute the claim. The very filing of the claim with the fake and fabricated documents is an offence which requires enquiry and action to be initiated against the concerned persons.

17. The learned counsel appearing on behalf of the New India Assurance Company Limited submitted that there are cases where fake insurance policies have been created and complaints have been given from the year 2018 onwards and no action has been taken. This Court directs the New India Assurance Company Limited to give a fresh complaint along with all the necessary particulars to the concerned jurisdictional police station. Immediately on receipt of the



same, an FIR shall be registered and it shall be transferred to the file of the Special Investigation Team and the investigation shall be commenced immediately by the investigation officer nominated by the Additional Director General of Police, Economic Offences wing and who will be conferred with the powers of investigation. The investigation shall be completed and final report shall be filed as expeditiously as possible.

18. Mr.Vijaya Raghavan, learned counsel who is assisting this Court submitted that apart from Cholamandalam MS General Insurance company, seven other insurance companies have now identified various cases that have been filed across Tamil Nadu by using fake bills. To substantiate the same, a list of documents containing 455 pages was handed over to this Court. The learned counsel submitted that this investigation can also be handed over to the Special Investigation team. The documents that were handed over by Mr.Vijaya Raghavan, in turn was handed over to the learned Additional Public prosecutor appearing on behalf of the respondent police. The concerned insurance companies shall lodge independent



complaints before the concerned jurisdictional police stations and on receipt of the same, FIR shall be registered and it shall be immediately transferred to the file of the Special Investigation Team. On such transfer, the Additional Director General of Police, Economic Offence Wing, shall assign the task of investigation to a Special Investigation Officer who shall be given all the powers of investigation. The investigation shall be commenced at the earliest and the final report shall be filed as expeditiously as possible.

19. It is brought to the notice of this Court that some of the documents that were filed before the Motor Accident Tribunals in the 82 MCOP cases, are missing and is not able to be traced. Once the documents are filed before the Court, it becomes the property of the Court and there is a specific procedure contemplated under the Civil Procedure Code and the Civil Rules of Practice wherever the parties are seeking for return of original documents. Without resorting to this procedure, the documents filed before the Court can never be handed over to the party or to the Advocate. Therefore, in all cases



where documents are missing, the concerned Court shall immediately start an enquiry and ensure that the documents that were filed along with the MCOP is kept intact and it is not returned back either to the parties or to their counsel.

20. The reports filed before this Court points out to the culpability of four advocates whose names have been mentioned supra. In view of the same, there shall be direction to the Bar council of Tamil Nadu and Puducherry to immediately initiate inquiry against (a) Manohar Reddy, Advocate, Hosur, (b) Bharathi W/o.Manohar Reddy, Advocate, Hosur (c)K.Selvi, Advocate, Hosur and (d) M.Sankar, Advocate, Hosur and take immediate action in accordance with the relevant Act and Rules. A copy of this order shall also be marked to the Bar council of Tamil Nadu and Puducherry.

21. The Tamil Nadu State Legal Services Authority and the respondent police shall file their further status report during the next date of hearing and shall inform this Court on the progress made



pursuant to the directions issued in this order.

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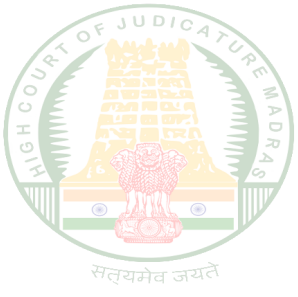
22. The Chairman, Bar Council of Tamil Nadu and Puducherry shall also file a report before this Court and inform this Court as to what action has been taken against the concerned advocates pursuant to the directions issued in this order.

23. The concerned Courts viz the Additional District Judge, Hosur and Sub Court, Hosur shall send their report on the Administrative Side and inform this Court on the status of each MCOP case that has already been revived pursuant to the earlier orders passed by this Court.

24. Post this case under the caption for passing further orders on 13.06.2022.

18.04.2022

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