

**Jayaram Vs. State of Karnataka**

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**Court :** Karnataka

**Decided On :** Aug-10-1988

**Reported in :** ILR1988KAR3046; 1988(3)KarLJ523

**Judge :** Balakrishna, J.

**Appeal No. :** W.P. No. 11189 of 1988

**Appellant :** Jayaram

**Respondent :** State of Karnataka

**Advocate for Def. :** P.R. Ramesh, HCGP for R-1 to 3

**Advocate for Pet/Ap. :** A.K. Bhat, Adv.

**Judgement :**

ORDER

**Balakrishna, J.**

1. This is a Writ Petition filed by a deaf and dumb person who unfortunately met with an accident on 6-3-1987 when the petitioner was passing by the side of Bangalore Kunigal Road near Kenkere village limits and was knocked down by a car bearing Reg.No. MEY 8289. The petitioner submits that it was a case of hit and run caused by rash and negligent driving of the car. The petitioner sustained serious injuries inclusive of fracture of pelvis; besides other injuries and was

admitted to Sanjay Gandhi Hospital, Jayanagar, Bangalore on the very same day and was treated in that hospital as in patient. After the accident, the father of the petitioner went to Tilaknagar Police Station, Bangalore at the instance of the hospital authorities and lodged a complaint which was subsequently transmitted by the police to the jurisdiction police station that is, to Kunigal Police who ultimately registered the case in F.I.R. 84/87.

2. After discharge from the hospital, the father of the petitioner went to 3rd respondent who is the Sub-Inspector of Police, Kunigal Police Station requesting him for particulars of the owner, driver, insurance etc., in relation to the vehicle that was involved in the accident. It is alleged by the petitioner that the 3rd respondent told him that the vehicle involved in the accident belongs to a very important person and therefore the petitioner ought not to proceed further. Later on, the petitioner approached his lawyer and applied for the certified copies of the F.I.R. Mahazar, M.V.I. report, charge sheet etc. This application was submitted after paying the prescribed fee to the 2nd respondent on 20-10-1987. The petitioner received a communication from the 2nd respondent vide Annexure-A dated 15-12-1987. According to the petitioner the said communication evidently shows that the 3rd respondent had not conducted any material investigation to collect the necessary particulars applied by the petitioner through 2nd respondent. The petitioner is aggrieved on account of non-furnishing of the particulars sought by the petitioner both by 2nd and 3rd respondent and therefore has approached this Court for relief.

3. The relief sought is for direction to the 2nd and 3rd respondents to furnish to the petitioner particulars of the name and address of the owner of the vehicle, the driver of the vehicle and the insurance company with which the motor vehicle is insured in respect of Crime No. 84/1987 on the file of the Kunigal Police Station after investigation of the same and in accordance with law.

4. The learned Government Pleader appearing for respondents 1 to 3 has filed counter affidavit of the 3rd respondent who is the Sub-Inspector of Police, Kunigal. According to his affidavit it is denied that this respondent had pressurised the petitioner not to proceed in the matter against a person who is stated to have

caused the accident. It is also revealed in the counter affidavit that a case has been registered against the driver of the vehicle bearing Reg.No. MEY 8289 before the Tilaknagar Police, Bangalore, but as the alleged offence falls within the jurisdiction of the Kunigal Police, the case was transmitted to the Kunigal Police for follow up action, It is also stated that in the papers made available by the Tilak Nagar Police, no particulars of either of the owner of the vehicle or the driver of the vehicle and much less the insurance particulars have been furnished and therefore the police are pursuing the matter with the Regional Transport Officer in order to gather the particulars.

5. In the counter affidavit it is also stated that the petitioner never approached the respondent-3 for particulars and that the submissions made to the contrary by the petitioner are false. However, it is stated that the matter is being pursued in order to secure the relevant particulars of the vehicle so as to file a charge-sheet before the competent Court. Assurance has been held out that the petitioner will be furnished with all the particulars if the same are collected by the respondent and if the petitioner approaches for the same.

6. The accident took place on 6-3-1987 and the Writ Petition has been filed on 28-7-1988. It is more than one year and still the police authorities have not been able to collect the material particulars regarding the vehicle that is involved in the accident for the purpose of filing of charge sheet against the accused. Whatever the assurance that may be afforded by the police in the counter affidavit that has been filed today before the Court, I am constrained to observe that the failure of the police to get hold of the particulars even after a lapse of one year is a sad commentary on police administration. I do not see any difficulty in tracing the particulars because the registration number of the vehicle is admittedly available in the office of the Transport Authority which is not very far off and it is not the case of any of the respondents that the Transport Authority is withholding the particulars. However, learned Government Pleader Sri Ramesh submitted that the Sub-Inspector himself met with an accident and was hospitalised and therefore there was some unavoidable delay in collecting the necessary particulars. This is not a case for placing the blame on any particular police official, but it is a case in which any official who was in charge of the affairs even during the absence of the

Sub-Inspector who had been hospitalised, should have taken interest in finding out the particulars and furnish the same to the petitioner. The tragic part of the case is that a dumb and deaf person who is the petitioner in this case not been meted out a fair treatment atleast in the matter of furnishing the particulars which are normally available whenever an accident takes place. It may not be necessary for me to refer to the allegations made by the petitioner that the 3rd respondent represented to the petitioner that the vehicle involved in the accident belongs to a V.I.P. of a political party and that the petitioner should not proceed further in the matter.

7. It is very difficult to believe the statement made by the 3rd respondent that the petitioner never approached him for particulars. Beyond this, it is not necessary for me to make any observation even with regard to the conduct of the 3rd respondent in making assertions of dubious nature. The call of duty should summon the police officers to dispense administrative justice to the ordinary citizen placed in such a helpless predicament as the petitioner who has exhausted the reasonable avenue by engaging a Counsel even for the purpose of obtaining copies of the documents and particulars needed by him in order to pursue the matter for legal action against the persons causing the accident.

8. In the above circumstances, the question that arises for consideration is what kind of relief should be granted to the petitioner.

9. The learned Counsel for the petitioner submitted that if a direction is issued to respondents 2 and 3 to furnish all the particulars which the petitioner has already sought by making an application to the police dated 20-10-87 without further loss of time the petitioner will be satisfied. I am of the opinion that unreasonable delay in performing a legal duty also amounts to an abuse which the law will remedy. Inaction in the instant case amounts to abuse of discretion. Hence, I pass the following :