

Court No. - 12

Case :- APPLICATION U/S 482 No. - 5929 of 2023

Applicant :- Smt. Saroj Agarwal And Anothers

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another

Counsel for Applicant :- Ravi Shanker Tewari

Counsel for Opposite Party :- G.A.,Bhaiya Lal Maurya,Vineet Kumar Chaurasia

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the proceeding arisen out of F.I.R. No.178/2018 under Sections 304-A, 337 I.P.C., Police Station Talkatora, District Lucknow.

3. Learned counsel for the applicants has submitted that it is admitted fact that deceased, who was father of the respondent no.2 was working in the establishment of the applicants. He further submitted that during the course of employment, accident was taken place and he received injuries and later on, he died. He also submitted that no offence under Section 304-A I.P.C. is made out but the F.I.R. of the case in question was lodged. He next submitted that applicants tried their best to provide medical facility to the deceased and compensation was paid under the provisions of Workmen Compensation Act. He lastly submitted that after investigation, charge sheet was filed by the Investigating Officer and summoning order was passed by the court below, therefore, indulgence of this court is necessary.

4. Learned A.G.A. as well as learned counsel for the complainant has opposed the prayer of the applicant and submitted that after detail investigation, charge sheet was filed and all his defence can be raised at appropriate stage before the court below, therefore, present application is liable to be dismissed.

5. Considering the submissions of learned counsel

for the parties, going through the record, as it is admitted case of the prosecution that during the time of loading and unloading, the accident was taken place and the bags fell down and in the said accident, father of the private respondent was under the bags and received injuries alongwith other workers, then he was shifted to trauma center but could not be saved, it is also undisputed that compensation under the provisions of Workmen Compensation Act has already been paid and there is no evidence that any act was done by the applicant, as the said incident was accidental but all these facts were not considered by the Investigating Officer as well as court below, therefore, this Court is of the view that no offence of Section 304-A I.P.C. is made out and impugned proceeding is liable to be quashed.

6. In view of the above, the present application under Section 482 Cr.P.C. is **allowed** and impugned proceeding is hereby quashed.

Order Date :- 20.11.2023

Gaurav/-