



CGHC010194162026



2026:CGHC:38299-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1428 of 2026

Kirti Raman S/o Ramprasad Raman Aged About 43 Years R/o Village- And Post - Saleteka Police Station Hatta District- Balaghat (M.P) Presently Residing At House No 102 Imperior Height Kabir Nagar Raipur District- Raipur (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through- Station House Officer Police Station Urla District- Raipur (C.G.)

2 - Mr. Shambhu Yadav S/o Adhanu Yadav R/o 07 Indira Colony Bhatbera Tehsil- Simga Bhatbera District- Balodabazar (C.G.) (Father Of Decessed)

... Respondents

(Cause title taken from Case Information System)

For Petitioner : Mr. Dhiraj Kumar Wankhede, Advocate

For Respondent No. 1/State : Mr. Soumya Rai, Deputy Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

31/08/2026

1. Heard Mr. Dhiraj Kumar Wankhede, learned counsel for the petitioner.
 Also heard Mr. Soumya Rai, learned Deputy Govt. Advocate, for the

VED
PRAKASH
DEWANGAN

Digitally signed
by VED
PRAKASH
DEWANGAN
Date: 2026.09.01
19:23:38 +0530

Respondent No.1/State.

2. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred by the petitioner seeking quashment of FIR/Crime No.249/2023 dated 27.06.2023 registered at Police Station Urla, District Raipur for the offences punishable under Sections 287 and 304-A of the IPC, Charge-sheet No.314/2023 and the consequential criminal proceedings pending in Criminal Case No.19114/2023 before the learned JMFC, Raipur.

3. The petitioner has filed the present petition with the following prayer:

"In view of facts and grounds mentioned above, the petitioner respectfully prays the following relief(s) before this Hon'ble Court may kindly be pleased to:

(i) Allow the present petition and quash/set aside the F.I.R./Crime No. 249/2023 dated 27/06/2023 registered at Police Station Urla, District Raipur (CG) for the alleged offence under Sections 287 and 304-A of the Indian Penal Code against the Petitioner.

(ii) Quash and set aside the Charge-sheet/Final Report under Section 173 Cr.P.C. (No.314/2023) and all consequential criminal proceedings arising therefrom, currently pending before the Court of Learned Judicial Magistrate First Class, Raipur (Presiding Officer Shri Vivek Kumar Tandon) in Criminal Case No. 19114/2023.

(iii) Any other relief/reliefs which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest

of justice."

4. Briefly stated, the case of the prosecution is that the deceased, Daulat Yadav, was employed as a Blow Moulding Machine Helper in Sunrise Tanks Private Limited, situated at Urla Industrial Area, Raipur. On 25.06.2023, he sustained injuries after being struck by the moulding machine and was subsequently declared dead at AIIMS Hospital, Raipur. At the relevant time, the petitioner was working as the HR Manager of the said company. On the basis of the preliminary inquiry and statements of the concerned employees alleging negligence, FIR/Crime No.249/2023 was registered against the petitioner at Police Station Urla for the offences punishable under Sections 287 and 304-A of the IPC. After completion of investigation and collection of evidence, the police submitted Charge-sheet No.314/2023 before the competent Court, pursuant to which Criminal Case No.19114/2023 is pending before the learned JMFC, Raipur.

5. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the present case and no material is available on record to establish any direct act of rashness or criminal negligence on his part. It is submitted that the petitioner was merely serving as HR Manager of the Company and was neither the operator nor the technical supervisor of the machine involved in the unfortunate incident. The deceased, who was working as a helper, allegedly entered the restricted mould area while the machine was in auto mode, resulting in the unfortunate accident. It is further submitted that the statements of the witnesses and the material collected during investigation do not disclose any specific act or omission attributable to the petitioner so as to constitute offences under Sections 287 and 304-A of the IPC. Learned counsel would further submit that the Company had

adopted necessary safety measures and the continuation of the criminal proceedings against the petitioner, in absence of any material establishing a direct and proximate nexus between his act and the death of the deceased, would amount to abuse of the process of law. Therefore, it is prayed that the FIR, charge-sheet and consequential criminal proceedings pending against the petitioner be quashed.

6. Learned State counsel, opposing the petition, would submit that the impugned FIR was registered on the basis of the material collected during the preliminary inquiry and, upon completion of investigation, sufficient material was found against the petitioner, pursuant to which the charge-sheet has been filed before the competent Court. It is submitted that the statements of the witnesses and other material collected during investigation prima facie disclose the commission of the offences alleged against the petitioner and, therefore, no case for interference in exercise of inherent jurisdiction is made out. Learned State counsel would further submit that the scope of interference under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is limited and this Court, at this stage, cannot undertake a meticulous appreciation of the evidence collected during investigation. It is further submitted that the trial has already commenced and the petitioner would have sufficient opportunity to raise all his defence before the learned trial Court. Therefore, the present petition, being devoid of merits, deserves to be dismissed.

7. We have heard learned counsel for the parties and perused the documents appended with this petition.

8. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the unfortunate incident

occurred on 25.06.2023, wherein the deceased, who was working as a Blow Moulding Machine Helper in Sunrise Tanks Private Limited, sustained fatal injuries while working near the moulding machine. The petitioner, at the relevant time, was working as the HR Manager of the said Company. A perusal of the statements of the witnesses and the material collected during investigation does not disclose any specific act or omission on the part of the petitioner which can prima facie be said to constitute rashness or criminal negligence directly attributable to him. It is also not the case that the petitioner was operating the machine or was its technical supervisor at the time of the incident.

9. The Hon'ble Supreme Court, while considering the ingredients of an offence punishable under Section 304-A of the IPC, has consistently held that the rash or negligent act alleged against the accused must be the direct, immediate and proximate cause of the death and must constitute the causa causans of the death and not merely a remote cause. In **Sushil Ansal v. State through Central Bureau of Investigation**, (2014) 6 SCC 173, the Hon'ble Supreme Court reiterated that in order to attract criminal liability under Section 304-A of the IPC, it is necessary to establish not only rashness or gross negligence, but also that such rashness or negligence was the proximate and efficient cause of death. The said principle has also been consistently followed by the Courts while examining criminal liability arising out of an unfortunate accident.

10. The scope of interference by the High Court in exercise of its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is well settled. In **State of Haryana v. Bhajan Lal**, 1992 Supp (1) SCC 335, the Hon'ble Supreme Court held that the inherent jurisdiction can be

exercised to prevent abuse of the process of law or otherwise to secure the ends of justice where the allegations, even if taken at their face value, do not disclose the commission of any offence or where continuation of the criminal proceedings would amount to abuse of the process of Court as observed under paragraph 102 & 103: -

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice.”

11. In the present case, even if the material collected during investigation is taken at its face value, no direct and proximate nexus is established between any act or omission of the petitioner and the unfortunate death of the deceased. Merely because the petitioner was serving as the HR Manager of the Company, he cannot be fastened with criminal liability in the absence of any specific material demonstrating his direct involvement or gross negligence resulting in the accident. Criminal law does not recognize vicarious liability unless the same is specifically provided by the statute. Therefore, continuation of the criminal proceedings against the petitioner, in the facts and circumstances of the present case, would amount to abuse of the process of the Court.

12. It is also pertinent to mention here that, as per the report of the concerned Police Station regarding service of notice upon respondent No.2, it has been reported vide report dated 16.06.2026 that respondent No.2 has died on 22.09.2023.

13. Accordingly, in view of the foregoing discussion and considering the material available on record, this Court is of the considered opinion that no prima facie case for commission of offences punishable under Sections 287 and 304-A of the IPC is made out against the petitioner and continuation of the criminal proceedings would be an abuse of the process of law.

14. Consequently, the present petition is **allowed**. FIR/Crime No.249/2023 dated 27.06.2023 registered at Police Station Urla, District Raipur for the offences punishable under Sections 287 and 304-A of the IPC, Charge-sheet No.314/2023 and all consequential criminal proceedings arising therefrom, including Criminal Case No.19114/2023 pending before the learned Judicial Magistrate First Class, Raipur, so far as they relate to the present petitioner, are hereby quashed.

15. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

ved