

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.29006 of 2015

1.Mr.Narender Pal Singh
2.Mr.A.R.Veerassamy
3.Mr.A.Vairamoorthi
4.Mr.K.Venugopal
5.Mr.K.Raja ... Petitioners/Accused

Vs.

1.The State rep. by
The Sub-Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.
2.Mrs.Saraswathi ... Respondents/Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the complaint in C.C.No.3803 of 2015 pending on the file of the learned V Metropolitan Magistrate, Emgore, Chennai.

For Petitioners : Mr.M.Suresh

For Respondents : Mr.C.Emalias, APP (For R1)
Mr.T.Benny Ebenezer (For R2)

ORDER

This petition has been filed by the petitioner praying to quash the criminal proceedings in C.C.No.3803 of 2015 pending on the file of the learned V Metropolitan Magistrate, Emgore, Chennai.

2.In the affidavit filed in support of the petition, it has been stated by the petitioners that the 1st petitioner herein is a builder and running a company under the name and style of M/s.Navtoj Structural at No.3362, AP, 11th Main Road, AF Block, 8th Street, Anna Nagar, Chennai and the company is constructing

residential flats at Anna Nagar. The petitioners 2 & 3 are the Site Engineer and Supervisor of the company respectively. The petitioners 4 & 5 are the Maistry and Contract labourer respectively. All the workers at the site was provided with the safety measures as prescribed by law and construction work was going on as per the plan sanctioned by the authorities. While so, on 27.10.2015, unfortunately one worker by name Mr.Viji died due to electrocution at the site, where the building construction is going on. The 2nd respondent, who is the wife of the said deceased Viji, lodged a complaint with the 1st respondent-Police and the same was registered in Crime No.684 of 2015 for the offences punishable under Sections 338 & 304(A) of IPC. After completion on investigation, the 1st respondent-Police has filed a final report and the same has been taken on file in C.C.No.3803 of 2015 by the learned V Metropolitan Magistrate, Egmore. It is further stated that due to the sudden death of the said Viji, his wife 2nd respondent herein is in a pathetic condition with three children. Hence, the petitioners and the 2nd respondent/defacto-complainant amicably settled the issues. Pursuant to the settlement, the petitioners have paid a sum of Rs.5,50,000/- to the 2nd respondent by way of cash and the same was acknowledged by the 2nd respondent and her family, as full and final settlement. Now, the petitioners have come before this Court seeking to quash the criminal proceedings.

3.When the matter came up for consideration on 08.12.2015, the petitioners and the 2nd respondent/defacto-complainant appeared before this Court and represented that they have arrived at an amicable settlement. The 2nd respondent/defacto-complainant has also filed an affidavit stating that the petitioners have paid an amount of Rs.5,50,000/- to her by way of cash, as full and final settlement. Further, it is further stated by the 2nd respondent/defacto-complainant that she had received a sum of Rs.50,000/- from the petitioners on the date of death of her husband-Viji and she would not make any further claim against the petitioners, as the matter has been amicably settled; that she has no objection for quashing the impugned criminal proceedings.

4.Heard both sides and perused the materials available on record.

5.Considering the facts and circumstances of the case and in view of the compromise arrived at between the parties, I am of the opinion that the criminal proceedings in C.C.No.3803 of 2015 by the learned V Metropolitan Magistrate, Egmore, are liable to be quashed and accordingly, the same are quashed in respect of all the accused persons.

In fine, the criminal original petition is allowed.

Sd/-
Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

To,

1.The V Metropolitan Magistrate,
Egmore, Chennai.

2.-Do-Thro The Chief Metropolitan Magistrate,
Egmore.

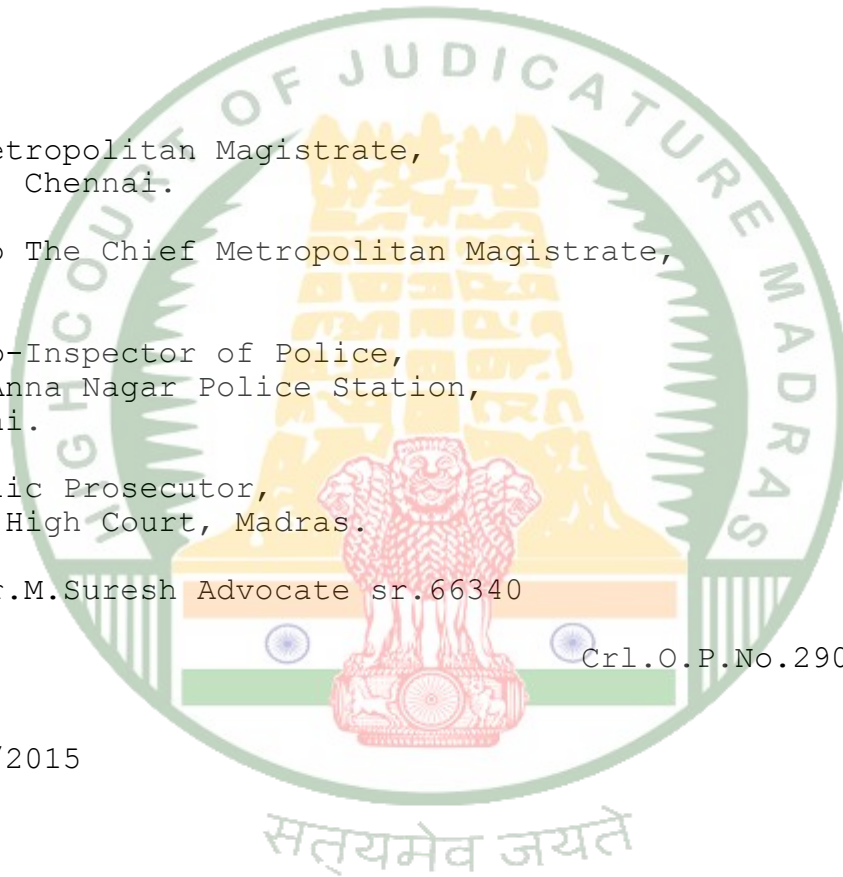
3. The Sub-Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.

4.The Public Prosecutor,
Madras High Court, Madras.

+1cc to Mr.M.Suresh Advocate sr.66340

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