

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.11795 of 2016

1.Parimelazhagan

2.Mohamed Malik

... Petitioners/Accused
1 & 2

Vs

1.State rep by
The Inspector of Police,
C-1, Sriperumbudur Police Station,
Kancheepuram District.

2.S.Jeyanthi

... Respondents/Defacto
Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in CC.No.413 of 2015 on the file of the District Munsif cum Judicial Magistrate, Sriperumbudur and quash the same.

For Petitioners : Ms.S.Mekhala

For 1st Respondent : Mr.C.Emalias,
Additional Public Prosecutor

For 2nd Respondent : Ms.R.C.Karthika

O R D E R

This petition has been filed to quash the proceedings in CC.No.413 of 2015 on the file of the District Munsif cum Judicial Magistrate, Sriperumbudur.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor appearing for the 1st respondent; learned counsel appearing for the 2nd respondent and perused the materials placed on record.

3. On the complaint lodged by one Jeyanthi, the 1st respondent police registered a case in Crime No.640 of 2013 and after completing the investigation, filed final report in C.C.No.413 of 2015 before the learned District Munsif cum Judicial Magistrate, Sriperumbudur against the petitioners herein for an offence under Section 304[A] IPC. The prosecution case is that the deceased Arun was an employee under the petitioners herein. While he was repairing the

ventilator exhaust fan, he fell down and died. The allegation against the petitioners is that they have not provided him safety belt at that time, when he was at work. The FIR has been registered based on the complaint given by Jeyanthi, who is the mother of the deceased Arun. It is seen that the parties have arrived at a compromise and that a sum of Rs.12,50,000/- has been paid as compensation to the family of the deceased.

4. Today, S.Jeyanthi/2nd respondent herein is present before this Court and she has been identified by Mr.K.Sampath, Sub Inspector of Police, C-1 Sriperumbudur Police Station, Kanchipuram District. She has filed an affidavit, wherein, she has stated as follows:

"2. I state that on 05.08.2003 at about 11.30a.m. there was an accident that took place at Adison Company in Sriperumbudur while he was working there because of which he sustained injuries and succumbed to it.

3. Having regard to the fact that the occurrence was purely accidental and I have arrived at a settlement and entered into a agreement of compromise by which the Swathi Engineering Agencies who are contractors agree to pay Rs.12,50,000/- towards compensation and expenses. Out of the said sum Rs.1,00,000/- was paid on 09.08.2013, Rs.8,05,880/- was deposited before the Commissioner of Employers Compensation-II on 20.04.2015, Rs.2,00,000/- was deposited in my name as Fixed Deposit at Indian Bank, Poondi Branch and the balance sum of Rs.1,44,120/- by way of Demand Draft bearing No.19702 dated 21.06.2016 drawn on Axis Bank, Chennai. I therefore, do not intend to pursue the criminal proceedings against the petitioners herein in view of the above facts. I humbly submit that the continuation of the prosecution would therefore be a futile exercise.

4. In these circumstances this Hon'ble Court may be pleased to quash the proceedings in C.C.No.413 of 2015 on the file of Judicial Magistrate, Sriperumbudur."

5. In view of the above, this petition is allowed and the proceedings in CC.No.413 of 2015 on the file of the District Munsif cum Judicial Magistrate Court, Sriperumbudur is hereby quashed against all the accused.

Sd/-

Assistant Registrar(J)

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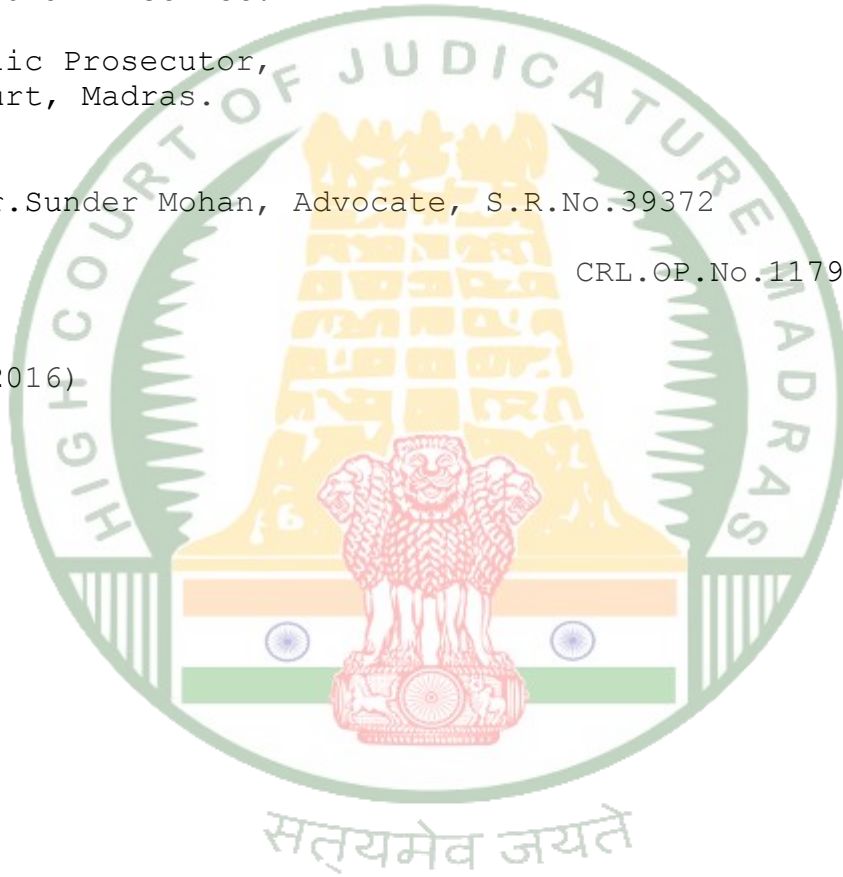
To

- 1.The District Munsif cum
Judicial Magistrate,
Sriperumbudur.
- 2.The Inspector of Police,
C-1, Sriperumbudur Police Station,
Kancheepuram District.
- 3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Sunder Mohan, Advocate, S.R.No.39372

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CTK(CO)
CA(27/07/2016)



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