

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.4848 of 2011 & M.P. No.1 of 2011

Jagannathan

...Petitioner

vs.

1 The Inspector of Police
Pallapatti Police Station
Salem City
Salem
(Crime No.1850 of 2010)

2 Sai Krishnan ... Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records and quash the altered FIR registered in Crime No.1850 of 2010 on the file of the Inspector of Police, District Crime Branch, Coimbatore, insofar as the petitioner.

For petitioner Mr. N. Anand Venkatesh

For R1

Mr. C. Emalias

Addl. Public Prosecutor

For R2

Mr. D. Shivakumar

ORDER

This Criminal Original Petition has been filed to call for the records and quash the altered FIR registered in Crime No.1850 of 2010 on the file of the Inspector of Police, District Crime Branch, Coimbatore, insofar as the petitioner.

2 Mr. Anand Venkatesh, learned counsel for the petitioner submitted that the petitioner has collected the bundle on change of vakalat way back in 2014.

3 On the complaint lodged by one Sai Krishnan, the second respondent herein, the first respondent police registered a case in Crime No.1850 of 2010 on 25.11.2010 under Section 174, Cr.P.C. and later altered the FIR to one under Section 304-A IPC, challenging which, Jagannathan is before this Court.

4 On a reading of the FIR, it is seen that Sai Krishnan was working as Manager of Siddeswara Complex. The owners of the said Complex wanted to install solar water heater and therefore, they placed an order with one Good Sen Solar Water Heater Company, Kovai, who had sent one Christopher for installing solar water heater in the building. While Christopher was installing solar water heater, he slipped and fell down from the fourth floor. He was immediately taken to the hospital by Sai Krishnan, but, unfortunately, he succumbed to injuries en route. Therefore, initially, the police registered a case under Section 174, Cr.P.C. and thereafter, they altered the case to one under Section 304, IPC on the ground that the petitioner had not provided any safety equipments to the deceased.

5 On a reading of the FIR, this Court finds that the death of Christopher is merely an accident and there are no materials worth the salt to come to the conclusion that the accused was in any way responsible for the incident.

6 However, since there are prima facie materials in the alteration report, the same cannot be quashed at the threshold and the first respondent police is directed to conduct an unbiased investigation and if it is found that the petitioner/accused was in no way responsible for the incident, it is needless to state that the same shall be closed.

With the above direction and observation, this Criminal Original Petition is dismissed. Connected M.P. is closed.

Sd/-
Assistant Registrar(J)

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सत्यमेव जयते
Sub Assistant Registrar

To

- 1 The Inspector of Police
Pallapatti Police Station
Salem City
Salem
- 2 The Inspector of Police
District Crime Branche
Coimbatore.

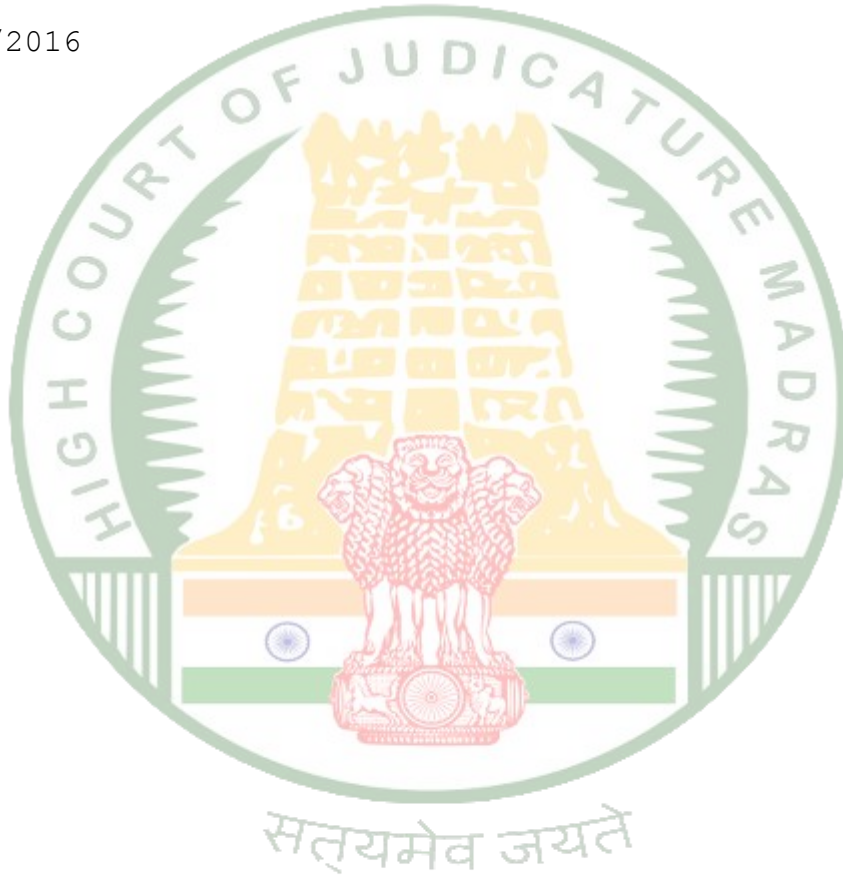
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3 The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to M/S.D.Shivakumar, Advocate Sr.61650

CrI.O.P. No.4848 of 2011

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srg 25/11/2016



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