

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3209 OF 2016

ORDER:

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This Criminal Petition is filed by A.10 under Section 482 of Cr.P.C. seeking to quash the proceedings in S.C.No.133 of 2016 pending on the file of XVI Additional District and Sessions Judge, Malkajgiri, Cyberabad for the offences under Sections 304(II) and 325 IPC.

The case of the prosecution is that the deceased, six in number, were staying in hutments adjacent to a boundary wall of an open plot at Moula Ali, Malkajgiri. A.1 to A.8 being the owners of the site entered into a development agreement with A.9 & A.10-bulders for development of property. A.11 is the site engineer and A.12 is the structural engineer employed by A.10.

On the intervening night of 22-23/7/2013, there was heavy rain and due to the developmental activities being carried on by the petitioner, the compound wall of the site suddenly collapsed over the huts resulting in death of the deceased.

Heard the learned counsel for the petitioner and learned Additional Public Prosecutor. Perused the material available on record.

Learned counsel for the petitioner submits that M/s. Mahayana Properties is the firm which was entrusted with the development work by A.1 to A.8 for which the petitioner is the Director till 3.5.2012 and thereafter he disassociated with the firm. Admittedly, the incident took place on the intervening night of 22-23/7/2013 and therefore, the petitioner is no way connected with the said incident since he seized to be the Director of the

firm from 3.5.2012.

The main contention raised by the learned counsel for the petitioner is that the occurrence took place on 22-23/7/2013 and whereas, the petitioner herein resigned to the firm as Director on 3.5.2012 itself, against which the charges are filed. To substantiate the same, he produced the relevant document filed before the Registrar of Companies, from which, it is evident that the petitioner was seized to be the Director of the said firm from 3.5.2012. In this regard, this Court directed the Public Prosecutor to verify the same. On verification, the learned Public Prosecutor informed that the petitioner herein resigned to the firm as Director on 3.5.2012 itself. Further the investigating agency added the petitioner as one of the accused showing him in the position of Director of the firm, which is involved in the development of site. But admittedly, the charge sheet does not disclose the petitioner's position either as Managing Director or Director of the said firm. That apart, this Court is of the view that criminal liability cannot be fastened to a person being Director of a company even assuming for a moment that he continued to be the Director of the firm. There should be direct nexus to the occurrence and the acts concerned. Hence, this Court is of the view that no purpose would be served if the trial is directed to be continued against the petitioner herein.

In the result, the Criminal Petition is allowed and the proceedings in S.C.No.133 of 2016 pending on the file of XVI Additional District and Sessions Judge, Malkajgiri, Cyberabad are hereby quashed as against the petitioner herein.

Pending Miscellaneous Petitions, if any, shall stand closed.

JUSTICE RAJA ELANGO

24.06.2016

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