

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2017

CORAM : THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

Crl.OP.No.21165 of 2009

and MP.Nos.1 & 2 of 2009

Viji

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Petitioner

Vs.

1.State, represented by
The Sub-Inspector of Police,
Madhavaram Police Station,
Madhavaram, Chennai.
Crime No.510 of 2004.

2.A.P.Kalaimamani ... Respondents
(R2 impleaded as per order of this Court
dated 09.12.2013 in MP.No.1 of 2013)

Prayer : Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in STC.No.1314 of 2005 now
pending on the file of the Judicial Magistrate, Thiruvottiyur,
Chennai and quash the same.

For Petitioner :Mr.I.Subramaniam, Senior Counsel
for Mr.N.S.Sivakumar
For Respondents :Mr.B.Ramesh Babu
Govt. Advocate [Crl. Side]
R2 - No appearance

ORDER

The Criminal Original Petition is filed to call for the records
in STC.No.1314 of 2005 on the file of the Judicial Magistrate,
Thiruvottiyur, Chennai, and to quash the same.

2. The charge sheet was laid by the respondent police after
investigation into an offence in Crime No.510 of 2004 under
Sec.338 IPC. The circumstances in which FIR was happened to be
registered was that there was a transformer near the factory of
the petitioner in which few staff of the Electricity Board were
working to enable which the power supply in the locality was
cut-off. However for the factory to run the generator was

operated by A1, the generator operator of the petitioner's company. As a result of this, an accident occurred owing to which one Shankar suffered electric shock and sustained injuries. The FIR was registered both against the generator operator (A1) as well as the petitioner (A2). The petitioner admittedly has no direct involvement in the alleged crime.

3. The learned Government Advocate (Crl. Side) submitted that the very generator was installed in the factory without obtaining due permission. Secondly, the case of the prosecution is that A1 has operated the generator at the instruction of A2.

4. It is not a case where A2 is accused of abetting A1 to operate the generator with the knowledge that some staff of TNEB are working on a transformer. Secondly if any permission is required for erecting the generator and if non-compliance of such permission is penal then it constitutes an independent offence. At any rate that cannot be linked to the present case. At this juncture, the learned counsel for the petitioner intervened to state that due permission has been obtained and it is a part of the papers submitted. He also added that the petitioner is only the director of the company that runs the factory and has no direct or indirect involvement to the crime alleged to have been committed.

5. In the result, I find merit in the submission of the learned counsel for the petitioner and accordingly this petition is allowed only against A2 and the proceedings in STC.No.1314 of 2005 on the file of the Judicial Magistrate, Thiruvottiyur, Chennai, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1 The Judicial Magistrate
Thiruvottiyur

2.The Sub-Inspector of Police,
Madhavaram Police Station,
Madhavaram, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.NS. Sirakumar, Advocate, S.R.No.11484

lrs(CO)
md(08/03/2017)

Cr1.OP.No.21165 of 2009



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