

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.1490 of 2012

and

M.P.No.1 of 2012

M.Sundar

S/o.C.Munusamy

..Petitioner

Vs.

The State represented by
The Inspector of Police,
T-4 Maduravoyal Police Station,
Maduravoyal, Chennai.

.. Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for records relating to the criminal proceedings made in C.C.No.216 of 2010 in Crime No.17 of 2010 on the file of learned Special Magistrate, Poonamallee and quash the same.

For Petitioner : Mr.B.Ganesha Moorthy

For Respondent : Mr.M.Mohammed Riyaz

Government Advocate [Crl.side]

O R D E R

Petitioner seeks quash of proceedings in C.C.No.216 of 2010 in Crime No.17 of 2010 on the file of learned Special Magistrate, Poonamallee.

2. The case in Crime No.17 of 2010 on the file of respondent has been registered for offences u/s.287 and 338 IPC. Pursuant to investigation therein, a charge sheet has been filed. The case has been taken cognizance of and is pending trial in C.C.No.216 of 2010 on the file of learned Special Magistrate, Poonamallee. Challenging the same, the present quash petition has been filed.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

4. A bare reading of the final report informs that the de facto complainant suffered injury while carrying out work of removing and fixing fresh pipes in a premise. He was using a ladder and owing to the same not having been placed in a proper manner, he fell off the ladder and sustained injury. In the instant case, the prosecution alleges that the second accused, contractor of the first accused as also the first accused ought to have ensured that the ladder had been placed well and since they had failed to do so, they are to be prosecuted for offences u/s.287 and 338 IPC. If prosecution, such as the present, is permitted to continue, none would be safe.

The Criminal Original Petition shall stand allowed. The proceedings in C.C.No.216 of 2010 in Crime No.17 of 2010 on the file of learned Special Magistrate, Poonamallee, shall stand quashed in its entirety. Connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gm

To

1.The Special Magistrate,
Poonamallee.

2.The Inspector of Police,
T-4 Maduravoyal Police Station,
Maduravoyal, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.B.Ganeshamoorthy Advocate sr 14515

Cr1.O.P.No.1490 of 2012

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