

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 396 of 2018

Anushka Social Welfare Society Durg through Its Secretary
 Ravindu Singh S/o Amarnath Aged About 46 Years R/o House
 No. 55, Dixit Colony, Kosa Nagar Bhilai District Durg
 Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh Through Police Station Durg, District Durg Chhattisgarh.
2. Manharan Yadav S/o Nand Kumar Yadav Aged About 35 Years
 R/o Utkal Nagar, Durg, District Durg Chhattisgarh ----
Respondents

For Petitioner	:	Mr. Tarun Dansena, Advocate.
For Respondent/State	:	Mr. Adhiraj Surana, Dy. GA.

Hon'ble Shri Justice Goutam BhaduriOrder On Board27.02.2018

1. Heard.
2. By this petition filed under Section 482 of the Code of Criminal Procedure, the petitioner seeks a direction to quash the FIR dated 11.07.2017 registered u/s 304-A of IPC.
3. As per the prosecution, on 05.07.2017 one boy of aged about 2 & 1/5 years fell into a pit of 4x4x3 ft. which was excavated by the present petitioner and was filled with the water. It is alleged that the boy fell into such pit and death took place because no fencing was made and no effort was also made to cover such pit thereby the offence has been committed.
4. Learned counsel for the petitioner submits that the pit which

was excavated was meant for preparation of lavatory room and drain and fencing was there, therefore, sufficient precaution was taken by the petitioner who was engaged in construction of latrine/ toilet rooms and no offence is made out.

5. Perused the FIR and the document as also the photographs which are on record. The statements of the father and mother of deceased namely Manharan Yadav and Smt. Hemit Bai are also seen wherein they have stated that no fencing was existing around the pits. Considering the same, at this stage, the defence raised by the petitioner that the pit was completely covered and fenced cannot be accepted which is to be proved during the course of trial. In view of this, I do not find any reason to quash the FIR.
6. Accordingly, the petition stands dismissed.

**Sd/-
(Goutam Bhaduri)
Judge**