

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM:

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

Crl.O.P. No.12099 of 2018

1.Madhan
2.Jayakumar
3.Venkatesan alias Venkat .. Petitioners

vs.

1.State of Tamil Nadu
rep. by Inspector of police
Sriperumbudur Police Station
Sriperumbudur.
Crime.No.276/2015

2.Ravi .. Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records pertaining to Charge Sheet in C.C.No.187 of 2016 on the file of the Judicial Magistrate Court at Sriperumbudur and quash the same.

For petitioners Mr.R.Sundara Kameshmarthandan
For R1 Mrs.Kritika Kamal, P.
Government Advocate [Crl.Side]

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to Charge Sheet in C.C.No.187 of 2016 on the file of the Judicial Magistrate Court at Sriperumbudur and quash the same.

2. The deceased Rajesh was a contract labourer under Jayakumar [A2] and Venkatesan [A3]; Madhan [A1] was the Supervisor in SL Lumax Company. Jayakumar [A2] and Venkatesan [A3] have taken an electrical contract work in SL Lumax Company and had engaged the deceased Rajesh as Electrician to do the wiring. On 27.04.2015, while Rajesh was working, he suffered electric shock and died. A case in Cr.No.276 of 2015 was registered under Section 174 Cr.P.C. and later on, altered to one under Section 304-A IPC. After completing the investigation, the police filed a charge sheet in C.C.No.187 of

2016 before the Judicial Magistrate, Sriperumbudur under Section 304-A IPC against Madhan [A1], Jayakumar [A2] and Venkatesan [A3] , for quashing which, this application has been filed on the ground that the parties have arrived at a compromise.

3. Today, Mr.A.Manoharan, Spl.S.I., C1 Sriperumbudur Police Station, Sub-Inspector of Police is present.

4. On the directions of this Court, the father of late Rajesh, by name, Ravi who is the second respondent herein, is also present. Since he stated that he does have means to engage an Advocate, this Court appointed Mr.G.Murugendran, Enrol.No.874 of 2009, an Advocate of reasonable standing, to represent him pro bono. The accused have paid Rs.7.50 lakhs as compensation to Ravi [second respondent], which the latter acknowledged. They have also entered into a compromise agreement, under which, Ravi has agreed not to prosecute the criminal case.

5. In a case of this nature, just because the accused and the relative of the deceased have entered into a compromise, the prosecution cannot be quashed.

6. This Court carefully perused the final report and the statements recorded under Section 161 Cr.P.C. On a reading of the statement of those witnesses, it is seen that while Rajesh was working under the supervision of Madhan [A1], he suffered electrocution and died out of shock. The post-mortem report also clearly states that Rajesh died of electrical shock. There is absolutely no material to show that Madhan [A1], Jayakumar [A2] and Venkatesan [A3] had done any negligent act, on account of which, the incident had occurred. For attracting Section 304-A IPC, the accused should have done an act, which is rash or negligent, resulting in the death of a person. In this case, there is no material to show that Madhan [A1], Jayakumar [A2] and Venkatesan [A3] had committed any act of rashness or negligence. The death of Rajesh was purely an accident.

7. Under such circumstances, this petition is allowed and the proceedings in C.C.No.187 of 2016 is quashed.

This Court places on records its appreciation for Mr.G.Murugendran, Advocate, for taking the case of Ravi pro bono.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of police
Sriperumbudur Police Station
Sriperumbudur.

2.The Judicial Magistrate Court at Sriperumbudur

3.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.G.Murugendran, Advocate SR.No.41087

+2cc to Mr.R.Sundarakameshmarthandan, Advocate SR.No.41164

NA(CO)
sm:6.7.2018

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