

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.29508 of 2017

&

CrI.M.P.No.16668 of 2017

Thoufiq Sultan ... Petitioner/Accused 1

Vs.

1. State Rep. by its
The Inspector of Police,
Pallavaram Police Station,
Chennai.
(Crime No.2203/17) ...R1/Complainant

2. Vijaya ...Respondent No 2/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.2203 of 2017, on the file of the Inspector of Police, Pallavaram Police Station, Chennai and quash the same.

For Petitioner : Mr.T.Arul

For Respondent 1 : Mrs.P.Krithi kakamal
Government Advocate (CrI. Side)

For Respondent 2 : No Appearance

सत्यमेव जयते
ORDER

The prayer sought for in the present petition is to call for the records in Crime no.2203 of 2017, on the file of the Inspector of Police, Pallavaram Police Station, Chennai and quash the same.

2. The petitioner herein has been arrayed as first accused in the Impugned FIR. The grievances of the defacto complainant seems to be that since the buttons of the lift were not properly installed, the accident had occurred and therefore has impleaded the petitioner along with three other persons.

3. While the petitioner is the manufacturer of the lift, the accused 2 to 4 are the employees. The learned Counsel for the Petitioner submits that the work of installing the lift has been assigned to one S.Ashok kumar who is the proprietor of Jas contract's for the purpose of constructing the Arulmurugan Towers, installing lifts and Elevators. Since the lift was installed by the contractors, the petitioner herein is not liable for the accident, as the entire work was done under the supervision of the contractor. Though the complaint suggests that the accident occurred due to improper installation of the lift, the contractor has not been implicated in the said offence. It is in this background, the Petitioner has sought for the prayer to quash the FIR.

4. In my view, this aspect can be considered by the concerned investigation officer during the course of the investigation and at the time of filing the final report. In these circumstances, I do not feel it appropriate to have the proceedings quashed on this aspect as well. The first respondent herein is directed to consider the above observation during the time of investigation and file the appropriate final report as expeditiously as possible.

5. With the above observations, the Criminal Original Petitioner stands closed. Consequently, the connected Miscellaneous Petition is also closed.

s/d-

Assistant Registrar (CS IX)

True Copy

Sub-Assistant Registrar

vum/nmm

To

1.The Inspector of Police,
Pallavaram Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.C.K. Suresh, Advocate sr 3270.

+1 CC to Mr.T. Arul, Advocate sr 3209.

Cr1.O.P.No.29508 of 2017

RV (CO)

SP (05/02/2018)