

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.11.2018
CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.27682 of 2018
and CRL.M.P.No.15974 of 2018

Mr.Balasubramaniam
S/o.S.P.Sankaralingam ... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
E2 Police Station,
Peelamedu,
Coimbatore.

2. Chandiran
S/o.Ponnusamy ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to F.I.R. in Crime No.783 of 2018 dated 12.05.2018 on the file of the Inspector of Police, Peelamedu Coimbatore and quash the same.

For Petitioner : Mr.V.Pavel
For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.783 of 2018 dated 12.05.2018 pending of the file of the first respondent.

2.The learned counsel for the petitioner would submit that the petitioner is an employee of M/s.Hanu Dev Infopark Pvt. Ltd. The petitioner was working as construction manager in the said company. The deceased was working under a contractor and the building was handed over to the contractor for the purpose of construction. The deceased was a helper to the carpenter. The alleged incident took place on 12.05.2018, when the petitioner was not even present in the scene of occurrence. The learned counsel would further submit that the deceased along with other persons had gone to the eighth floor of the building which was yet to be

completed and it was only due to the negligence of the deceased that he fell down from the eighth floor. The learned counsel would further submit that since the deceased was not even a direct employee of M/s.Hanu Dev Infopark Pvt. Ltd., this petitioner cannot be made an accused.

3. The learned Additional Public Prosecutor would submit that the allegations in the F.I.R., makes out a Prima-facie case against the petitioner. The learned counsel would further submit that the respondent police are in the course of investigation and the negligence on the part of the petitioner can be ascertained only during investigation. The learned counsel would further submit that the respondent police can fix the negligence only after completion of the investigation.

4. This Court has carefully considered the submissions made on either side. The issues raised by the learned counsel for the petitioner are factual in nature.

The same has to be considered by the respondent police at the time of investigation. This Court cannot take into consideration these factual aspects and interfere with the investigation at this stage.

5. This Criminal Original Petition is disposed of with the direction to the first respondent police to complete the investigation in Crime.No.783 of 2018 and to file a final report or a closure report as the case may be, within three months from the date of receipt of copy of this order. Consequently, Connected Miscellaneous Petitions are closed.

rri/lpp

Sd/--

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
The Inspector of Police,
E2 Police Station,
Peelamedu, Coimbatore.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Pavel , Advocate SR.No. 81416

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ASK (21/12/2018)