



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.R.C. (MD)No.190 of 2018

Tamil Vanan : Petitioner /Petitioner/Defacto
Complainant

VS.

Inspector of Police,
Puthiamputhur Police Station,
(Cr.No.130 of 2014).

Respondent/Respondent/
Respondent

Prayer: Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., to call for the records pursuant to the impugned order passed by the Judicial Magistrate Court No.1, Thoothukudi District at Thoothukudi in Cr1.M.P.No.5770 of 2016, dated 13.02.2018 and set aside the same and allow the petition in Cr1.M.P.No.5770 of 2016 and pass appropriate direction to the Trial Court to alter the charges.

For Petitioner : Mrs.Lakshmi Gopinathan,
For M/s.Polax Legal Solutions

For Respondent : Mrs.S.Bharathi,
Government Advocate (Cr1.side)

O R D E R

The petitioner was the driver of a Sulphuric acid tanker lorry bearing Registration No.TN 69 J 3099. On 06.07.2014, an incident took place, in which, the petitioner suffered some burn injuries. The petitioner was admitted to the Hospital where his statement was recorded by the police. In his statement, he has stated that while he was turning the valve, it gave way, on account of which, Sulphur Acid splashed on him resulting in injuries to him. However, the police registered a case in Crime No.130 of 2014 and took up investigation. After completing the investigation, the police filed a closure report before the learned Judicial Magistrate No.I, Thoothukudi holding that no offence was made out in the incident. The petitioner filed a process application and on his protest application, further investigation was ordered by the Magistrate. Even after further



investigation, a final report has been filed on 13.02.2018 reiterating the earlier stand of the police that the incident was only an accident and not a crime. Aggrieved with the acceptance of the closure report, the petitioner is before this Court.

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2. Heard Mrs.Lakshmi Gopinathan, learned counsel for the petitioner and Mrs.S.Bharathi, learned Government Advocate (Crl.side) for the respondent.

3. The learned counsel for the petitioner submitted that the police report had not gone into several aspects of the case, like the stability of the valve, etc. She further contended that the police report would cause undue prejudice to the petitioner, if the petitioner wants to make a claim under the Workmen's Compensation Act.

4. Per contra, Mrs.S.Bharathi, learned Government Advocate (Criminal side), refuted the contentions.

5. This Court gave its anxious consideration to the rival submissions.

6. There is a very thin line between tort and crime, which may not be apparent, but, indeed, real. For a crime to be recorded, there has to be an offender known or unknown. In this case, the petitioner has not alleged that Sulphuric Acid was splashed on him by any person. The investigation conducted by the police twice revealed that the incident was a mere accident and not a crime.

7. In the opinion of this Court, the finding of the police will not have any binding effect in any other claim, which the petitioner may be entitled to in law. In such view of the matter, this Court is of the view that this is not a fit case to set aside the order passed by the Court below. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1,
Thoothukudi.

2. The Inspector of Police,
Puthiamputhur Police Station.

<https://hservices.hc.madras.gov.in/hservices>



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

AE/KKR/SAR4/13.04.2018/3P/4C

Order made in
Cr1.R.C. (MD) No.190 of 2018
Dated: 28.03.2018