



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI. OP (MD)No.21086 of 2013
and
MP(MD)Nos.1 and 2 of 2013

1.M.Dhanasekar
2.M.Mariyappan

... Petitioners

Vs.

1. The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.

2. L.Mariyammal

... Respondents

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records relating to the charge sheet in S.T.C No.2244 of 2013 on the file of the Judicial Magistrate No.2, Sattur, Virudhunagar District and quash the same as illegal.

For Petitioner	: Mr.M.E.Ilango
For Respondents	: Mr.A.Robinson, Govt.Advocate for R1 Mr.M.Fernand for R2

ORDER

The petitioners are Supervisors and Maistry working in a spinning mill. An industrial accident occurred on 14.02.2013 at about 11.05 A.M. A worker by name R.Meena was working in a waste cotton pressing machine. In the accident in question, her right hand upto wrist got crushed. In this connection, Crime No.109 of 2013 has been registered on the file of the first respondent police station. The first respondent filed the final report and the same was taken on file in S.T.C.No.2244 of 2013 on the file of the Judicial Magistrate No.2, Sattur, Virudhunagar District for offences under Sections 287 and 338 of IPC. This petition has been filed for quashing the same.

<https://hccasesecourt.gov.in/cases>

2.Heard the learned counsel on either side.



3.The learned counsel appearing for the petitioners pointed out that the establishment in which the petitioners are working is fully covered by the insurance policy and that the worker concerned would be compensated properly.

4.The said submission given by the learned counsel for the petitioners is placed on record. This Court went through the entire materials on record. It is seen that when the screw type platform was coming down slowly, the said worker put in her hand to push back the over flowing wastage cotton back into the pressing machine. In the said process, her hand got entangled and crushed. It is obvious that the accident in question took place on account of the negligence on the part of the worker concerned. The petitioners herein are only the supervisor and maistry of the mill. By no stretch of imagination can the petitioners be fastened with any penal liability. Therefore, the impugned prosecution is quashed.

5.This Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.2,
Sattur, Virudhunagar District.
2. The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SKM
TE/RSK/SAR-1 : 26/06/2018 : 2P/4C

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