



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13065 of 2021  
and  
Crl.M.P.No.7182 of 2021

P.Veerasamy  
S/o, Periyasamy

...Petitioner

Versus

1. State  
Rep. By the Inspector of Police,  
Gingee Police Station,  
Villupuram District.

2. M.Surya  
Village Administrative Officer,  
Nangiligondan Village,  
Gingee Taluk,  
Villupuram District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records on the file of the Inspector of Police, Gingee Police Station, Villupuram District in Crime No.531 of 2019 and quash the same.

For Petitioner : Mr.K.Arul

For R1 : Mr.A.Damodaran  
Government Advocate, (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to call for the records on the file of the Inspector of Police, Gingee Police Station, Villupuram District in Crime No.531 of 2019 and quash the same.

2. The petitioner is the accused in Crime No.531 of 2021 for the offences under sections 286, 427, 304(ii), 9(1)(b), 9(1)(a) of Explosives Act and section 4 of PPDL Act has filed this quash petition.



3. The gist of the case is that the Village Administrative Officer of Nagaligondam Village, Gingee Taluk had lodged a complaint on 30.09.2019. He received the information that on that date at about 8 am an TATA Ace vehicle bearing registration No.PY-01\_AU-5065 while it was transporting crackers manufactured by the petitioner who had loaded the same from his factory, intended to one Parasuraman of Thiruvannamalai, on the way when it was nearing Nagaligondan village, Vadaloor bus stop at the time fire emanated from the vehicle and the driver of the vehicle Elavarasan and the godown helper Sathyasai baba stopped the vehicle and taken steps to put out the fire. Sadhik Batsha also helped them. Despite that, a huge explosion occurred in which all the three persons died and further 18 persons who were at the nearby place got seriously injured including a six year old girl. Thereafter fire service personnel had come there and drowsed the fire and rescued some persons and injured sent them to the hospital by ambulance. Hence the case came to be registered.

4. The petitioner is Proprietor of Veerasamy Fire Works and he is manufacturing crackers at Union Territory of Pudhucherry at Murugambakkam village. Fire crackers were loaded from the godown and intended to Parasuraman of Thiruvannamalai. Hence the case has been registered and the investigation is in progress.

5. The learned counsel for the petitioner submits that in this case though the alleged accident is said to have been taken place on 30.09.2019, no investigation has been done till date and he is not aware what action taken by the police.

6. Further contention of the petitioner is that since no material is available against the accused/petitioner, the respondent police are yet to proceed with the investigation and he submits that he is a small time cracker manufacturer having obtained the licence from appropriate authority and manufacturing the crackers. On the orders of Parasuraman, in his vehicle, the crackers were loaded and it was transported by Elavarasan and Sathysai Baba. In the complaint, it is mentioned that the smoke emanated from the vehicle due to which the vehicle got fire. According to the petitioner the said deceased driver Elavarasan had not properly maintained the vehicle and hence from the radiator due to over heating the fire accident had occurred and the reason and cause for fire is Elavarasan not the petitioner. Hence the petitioner is not liable for the accident which had taken place at a far of place. Admittedly the petitioner was not present in the scene of occurrence and he was at his factory. Further he submitted that since there persons died and 18 persons got injured to appease the public and divert the issue, the petitioner is falsely implicated. On the orders of one Parasuraman, the crackers were loaded in the



TATA Ace vehicle. Once the crackers are loaded from the godown, the petitioner has no responsibility and he cannot be prosecuted.

7. The learned Government Advocate (Criminal Side) appearing for the official respondent would submit that in this case, investigation is in penultimate stage, very soon charge sheet to be filed, awaiting reports from the forensic expert and post-mortem certificate are to be collected, there are 18 persons got injured, their medical certificates under process of collection and once all the documents are collected, charge sheet to be filed shortly. He further submits that within a period of two months the charge sheet to be filed and the points raised by the petitioner are disputed and factual in nature which ought to be decided only during the trial. Hence he opposed the petition.

8. Recording that the charge sheet to be filed within a period of two months and trial court to complete the trial at the earliest preferably within a period of six months, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Inspector of Police,  
Gingee Police Station,  
Villupuram District.
2. The Public Prosecutor,  
High Court,  
Madras.

CRL.O.P.No.13065 of 2021  
and  
Crl.M.P.No.7182 of 2021

SPD(CO)  
RGA(18/08/2021)