



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 01.12.2021

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. Nos.19772, 27268 and 20845 of 2017
and

Crl.M.P.Nos.11931, 11932, 15627, 15628, 12395 and 12396 of 2017

1. M.Natarajan ...Petitioner/1st Accused in
Crl.O.P.No.19972 of 2017
2. Balamurugan
3. Arun ...2nd and 3rd Accused/Petitioners
in Crl.OP.27268/2017
4. Rajesh Prinso ... Petitioner/4th Accused in
Crl.O.P.No.20845 of 2017

Versus

1.The Inspector of Police,
St.Thomas Mount Police Station,
Chennai-600016.

2.Poorna Chandra Rao @ Poorna ...Respondents in all Crl.O.Ps

COMMON PRAYER : Criminal Original Petitions filed under Section
482 Cr.P.C., to call for the records in C.C.No.767 of 2016
pending on the file of Judicial Magistrate, Alandur, Chengalpet
District and to quash the proceeding against the petitioners.

For Petitioners : Mr.K.R.Samratt
in Crl.O.P.Nos.19772 and 27268/2017
Mr.M.Vijayan
for M/s. King & Partridge
in Crl.O.P.No.20845 of 2017

For Respondents : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)
for R1(in all Crl.O.Ps)
: Mr.K.Balasubramanian for R2
(in all Crl.O.Ps)



C O M M O N O R D E R

These Criminal Original Petitions have been filed to quash the proceedings in C.C.No.767 of 2016, pending on the file of Learned Judicial Magistrate, Alandur, Chengalpet District.

2. Petitioner in CrI.O.P.No.19772 of 2017 is the sole Proprietor of Radiant Engineering. Petitioners in CrI.O.P.No.27268 of 2017 are the employees of sole Proprietorship concern, viz., Radiant Engineering. Petitioner in CrI.O.P.No.20845 of 2017 is employed as Manager in SIEMENS Limited.

3. The crux of the prosecution is that originally Chennai Metro Rail Limited has awarded contract to SIEMENS Limited/fourth accused/petitioner in CrI.O.P.No.20845 of 2017. SIEMENS in turn gave sub contract to Radiant Engineering for electrical work. On 26/3/2016, at about 5.40 p.m., the deceased had fallen into the storm drain pit, sustained severe injuries by piercing of 1 feet long iron rod and consequently died. Hence, F.I.R in Crime No.771 of 2016 was filed by the respondent Police, for the offence punishable under Section 304 A of the Indian Penal Code, for causing death, due to negligence act, against three employees of Radiant Engineering and also against the Manager of SIEMENS Limited.

4. Heard Mr.K.R.Samratt, learned counsel for the petitioners in CrI.O.P.Nos.19772 and 27268 of 2017, Mr.M.Vijayan, for M/s.King and Partridge, learned counsel for the petitioner in CrI.O.P.No.20845 of 2017, Mr.R.Kishore Kumar, Government Advocate (Criminal Side) for the first respondent and Mr.K.Balasubramaniam for the second respondent.

5. The learned counsel appearing for the petitioners submitted that merely because the death had occurred, while the deceased was working, they were prosecuted and moreover, no materials are available to prove that there were rash and negligent act on the part of the petitioners. All the materials collected by the prosecution, clearly indicate that the deceased himself died due to an accidental fall and succumbed to injuries. Therefore, mere fall by the deceased while working cannot be construed to say that there was a rash and negligent act on the part of the petitioners, which resulted in the death of the deceased. Since, the Company had already paid adequate compensation to the deceased and his family members, prays for quashment of C.C.No.767 of 2016.



6. The learned counsel appearing for the de facto complainant along with de facto complaint were present before this Court and filed an affidavit, dated, 29/11/2021 and the relevant portion of the affidavit is extracted hereunder:-

WEB COPY

"My sister's family was paid a sum of Rs.7,00,000/- as workmen compensation from SIEMENS Company and further a sum of Rs.5,00,000/- was paid by the SIEMENS Company towards Employee compensation with the support and instance of the Radiant Engineering. A sum of Rs.50,000/- was paid by the Radiant Engineering towards medical expenditure and further a sum of Rs.14,500/- per month is received by sister's family from Employees State Insurance and Provident Fund.

7. The learned Government Advocate (Government Side) appearing for the first respondent submitted that the employees who are working in construction site have not been provided with mandatory safety gears. Therefore, merely because compensation is paid, charge cannot be quashed.

8. I have perused the materials available on record.

9. Normally, the Courts are reluctant to quash the final report when there are materials to proceed against the accused. But when the materials collected by the prosecution indicate that death was only due to the accidental fall and there is no rash and negligent act of the accused, continuation of the prosecution is nothing but a futile exercise.

10. On a perusal of the materials collected particularly, the statement of the eye witnesses version would clearly indicate that the deceased had died due to accidental fall. When the deceased died due to accidental fall, rash or negligent act on the part of the petitioners cannot be attributed. Nowhere, it is stated that the accused had acted in a rash or negligent manner. In such a view of the matter, this Court is of the view that continuation of the prosecution will not serve any purpose.

11. Defacto complainant is present before this Court and he has admitted that his sister's family had received the compensation, as stated in previous paragraphs. That apart, he has also submitted that the deceased died due to the accidental fall. In such a view of the matter, this Court is inclined to



quash the proceedings pending against the accused.

12. In the result, these Criminal Original Petitions are allowed. C.C.No.767 of 2016 pending on the file of the learned Judicial Magistrate, Alandur, Chengalpet District is quashed. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

psa/mvs

To

1.The Judicial Magistrate,
Alandur, Chengalpet District.

2.TheInspector of Police,
St.Thomas Mount Police Station,
Chennai-600016.

3.The Public Prosecutor,
High Court, Madras.

+2cc to M/s.King & Partridge, Advocate SR.No.62839

+2cc to Mr.K.R.Samratt, Advocate SR.No.62914,62915

Cr1. O.P. Nos.19772, 27268 and 20845 of 2017

GPL(CO)

CB(03/01/2022)