



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
Crl.O.P. (MD)No.18508 of 2021

WEB COPY

1.K.Karthikeyan

2.S.Sankar

... Petitioners/Accused 1 & 2

vs.

1.State through

The Inspector of Police,
Silaiman Police Station,
Madurai District.

in Crime No.835 of 2020

... 1st Respondent/Complainant

2.Thavasu

... 2nd Respondent/De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to quash the FIR in Crime No.835 of 2020 dated 30.06.2020 on the file of the first respondent.

For Petitioners : Mr.K.R.Bharathi Kannan

For Respondents : Mr.A.Albert James
Government Advocate (Crl.) for R1

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.835 of 2020 registered on the file of the first respondent for the offence under Section 304(2) IPC.

2. The de-facto complainant as well as his wife are present in person before this Court. They have been duly identified by Mr.R.Rajasekaran, Special Sub-Inspector of Police, Silaiman Police Station. Their son died on 30.06.2020 that led to registration of the impugned FIR. The de-facto complainant has received compensation from the petitioners and he does not want to pursue the matter. A case of this nature cannot be quashed because of the compromise between the parties. I called upon the petitioners to argue the matter on merits.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds and submitted that the impugned FIR deserves to be quashed.



4. I went through the contents of the FIR. The case of the prosecution is that the son of the de-facto complainant was engaged to carry out painting works in Karuppaiah Modern Rice Mill. On 30.06.2020, while carrying out the said works, he had fallen from the ladder and suffered injury and died as a result. The petitioners cannot be charged with culpable homicide for the aforesaid occurrence. A worker, who is engaged in such works, will have to be careful. In this case, for the death of the de-facto complainant's son, the petitioners cannot be blamed in any manner. They did not do any act in a rash or negligent manner that can be said to have caused the death of the de-facto complainant's son.

5. The ingredients of the offences are not present in this case. The impugned FIR is quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csm/mga

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
Silaiman Police Station,
Madurai District.

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

Crl.O.P. (MD)No.18508 of 2021

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