



CrI.O.P.No.14353 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

CrI.O.P.No.14353 of 2021
and CrI.M.P.No.7826 of 2021

Jeelany

... Petitioner

Vs.

1.The State rep by Sub Inspector of Police,
Oragadam Police Station,
Kancheepuram District.

2. S.Rani

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to
call for the records and quash FIR No.518/2021 on the file of Sub-Inspector
of Police, Orgadam Police Station, Kancheepuram.

For Petitioner : Mr. N.A.Nissar Hussain
for N.A.Nissar Ahmed

For Respondent-1 : Mr.A.Damodaran, APP



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ORDER

This Criminal Original Petition has been filed to call for the records and quash FIR No.518/2021 on the file of Sub-Inspector of Police, Orgadam Police Station, Kancheepuram.

2. The case of the prosecution is that the second respondent / *de facto* complainant's son one Vallarasu was employed in MS Global Company as LPS Machine Operator. On 06.11.2020, when he was at work, he was not provided with necessary safety equipments. At about 04.30 p.m., the LPS machine fell on his right hand and the right hand got crushed. Hence, a case has been registered in Cr. No.518 of 2021 for offences under Section 287 IPC.

3. The first accused is a Supervisor of MS Global Company where the second respondent / *de facto* complainant's son was working on the alleged day of occurrence. The company by name Yuvashakthi Foundation trains



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the unskilled persons to get qualified for appointment in various companies.

After getting himself trained at the petitioner's company, the second respondent's son got inducted himself into MS Global Company.

4. Since the petitioner's company is only a training institute and has no direct control over the management of MS Global Company in which the *de facto* complainant's son was working at the time of occurrence, no liability can be fixed upon the second accused / petitioner. But in the FIR, the second accused has also been arrayed as a accused.

5. When a labour is employed in one company for any specified job like Machine Operating, it is the responsibility of that company to provide necessary safety equipments. The manner in which the accident had occurred and the fact that the safety measures taken by the concerned company is a matter for investigation. The facts or the materials available before this Court would make it clear that no responsibility can be fixed upon a third person like the petitioner. Since no *prima facie* materials are available as against the petitioner, the FIR is liable to be quashed as against the petitioner.



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6. Accordingly, the Criminal Original Petition is allowed and the case in Cr. No.518 of 2021 on the file of the Sub Inspector of Police, Oragadam Police Station, Kancheepuram is hereby set aside. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking / Non Speaking Order
bkn

To

- 1.The Sub Inspector of Police,
Oragadam Police Station,
Kancheepuram District..
- 2.The Public Prosecutor,
High Court of Madras.



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R.N.MANJULA, J.

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