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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19/01/2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.23430 OF 2017

AND

CRL.M.P.NOS.13629 AND 13630 OF 2017

1. Sridharan

2. Narayanan

... Petitioners/Accused 1 & 2

.Vs.

The Inspector of Police,
E2 Royapettah Police Station,
Chennai - 600 014.

... Respondent/Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in S.C.No.171 of 2016 on the file of the learned XVII Additional Sessions Judge, Chennai and quash the same.

For Petitioner : Mr.A.Arumugam

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)

O R D E R

This Criminal Original Petition has been filed to quash S.C.No.171 of 2016, pending on the file of the learned XVII Additional Sessions Judge, Chennai, for the offences punishable under Section 304 (ii) of the Indian Penal Code.

2. The allegation in the final report shows that the deceased and others were engaged by the petitioners being the Engineer and Supervisor of the building. While the deceased was engaged in demolishing the flat, he died out of electrocution, thereby the petitioners were prosecuted under Section 304 (ii)



of the Indian Penal Code.

3. Though the prosecution has examined many witnesses, the learned counsel appearing for the petitioners submitted that merely because the deceased died, due to electric shock, these petitioners have been implicated in criminal cases. No other materials were available to implicate the accused. Hence submitted that final report is nothing but an abuse of process of law.

4. The learned Government Advocate fairly submitted that the deceased was died due to electric shock and there is no other materials to proceed against the petitioners, for an offence punishable under section 306 of the Indian Penal Code.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Normally, when the materials indicate there are prima facie allegations against the petitioners or for proceeding further for a specific offence, the Court would not make any roving enquiry to quash the final report. But at the same time, the final report itself is bereft of any details and there is no materials to proceed against the accused, the Court can very well interfere with the final report, by exercising power under Section 482 of the Criminal Procedure Code.

7. The only allegation against the petitioners is that while the deceased was demolishing the wall, the accused appears to have told him that nothing will happen even if there is electric wire. Except that there is no materials are available to bring home the guilt of the accused.

8. There must be some materials to show that the death was caused with an intention of causing such bodily injury as is likely to cause death or with the knowledge that is likely by such act to cause death, to attract an offence of culpable homicide. The statement of the witnesses do not implicate that the petitioners have acted with an intention of causing death or with an intention to cause such a bodily injury. Therefore, merely because the person has met with an accident and came into contact with the wire, it cannot be said that such act was done only by the knowledge of the petitioners herein to cause the death. In such a view of the matter, this Court is of the view that absolutely, there is no materials to proceed against the accused and still forcing the petitioners to undergo an ordeal of trial itself is nothing but a harassment.

9. In the result, this Criminal Original Petition is allowed. S.C.No.171 of 2016, pending on the file of the learned



XVII Additional Sessions Judge, Chennai, is quashed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mvs

To

1. The XVII Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
E2 Royapettah Police Station,
Chennai - 600 014.
3. The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.A.Arumugam, Advocate, S.R.No.2926

CRL.O.P.NO.23430 OF 2017

CA(CO)
PBS/09/02/2022