



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.7810 of 2021 and

CRL.M.P. (MD)No.9885 of 2021

WEB COPY

1. Ramraj
2. Velusamy
3. Vadivel Murugan

... Petitioners / Accused 1 to 3

Vs.

1. The State rep. By its,
The Inspector of Police,
Thiruvengadam police station,
Tirunelveli District.
(Crime No.272 of 2020)

... 1st Respondent / Complainant

2. Chinnappan

... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records relating to the impugned FIR in Crime No.272 of 2020 on the file of the first respondent and quash the same.

For Petitioners	: Mr.Vidhya Sagar
For R-1	: Mr.A.Albert James, Government Advocate.
For R-2	: Mr.P.Suresh Kumar

* * *

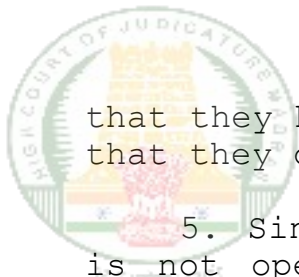
O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the First Information Report in Crime No.272 of 2020.

3. The case of the prosecution is that one Pandiyarajan was working in Raj Blue Metal run by the petitioners herein. On 12.11.2020, when he was engaged in his employment, he met with an industrial accident and died. In this regard, Crime No.272 of 2020 was registered for the offences under Sections 287 and 337 of I.P.C. It was later altered to Section 304A of I.P.C.

4. The defacto complainant is none other than the father of the victim. The defacto complainant as well as the mother of the victim appeared before this Court through video conferencing and stated



that they have received compensation from the petitioners herein and that they do not want to pursue the complaint.

5. Since the case on hand involves Section 304A of I.P.C., it is not open to this Court to quash the First Information Report based on the compromise between the parties. I therefore called upon the petitioners' counsel to argue the case on merits.

6. It is seen that the petitioner fell down and suffered head injury and died as a result. There is absolutely no material to indict the petitioners herein. Only if the petitioners herein had committed any rash or negligent act, they can be fastened with penal liability for the offence under Section 304A of I.P.C. The petitioners cannot be imputed with any such act or omission. Therefore, the impugned First Information Report deserves to be quashed and accordingly, the same is quashed.

7. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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.

ENCL:Xerox Copy of Joint Compromise Memo

To:

- 1.The Inspector of Police,
Thiruvengadam police station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VIDHYA SAGAR, Advocate (SR-294[F] dated 05/01/2022)
Crl.O.P.(MD)No.7810 of 2021
04.01.2022

NSN(CO)

GC(19.01.2022) 2P 4C

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