

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54038 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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1. SATYANARAYANA ADAMALA S/o Shri Ganga Reddy Adamala R/o Level 11, Aurobindo Galaxy, Hyderabad Knowledge City, Hi-Tech City Road, Hyderabad-500081, Telangana.
 2. Pankaj Kumar Maharaj S/o Shri Mohan Lal Maharaj R/o Level 11, Aurobindo Galaxy, Hyderabad Knowledge City, Hi-Tech City Road, Hyderabad-500081, Telangana.
 3. Sanjiv Kumar S/o Shri Dinesh Prasad Singh R/o Level 11, Aurobindo Galaxy, Hyderabad Knowledge City, Hi-Tech City Road, Hyderabad-500081, Telangana.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Govind
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 04-04-2023 Heard learned senior counsel for the petitioners and
learned APP for the State.

This application has been filed on behalf of the
petitioners for quashing the FIR bearing Bela Industrial
(Muzaffarpur) P.S. Case No. 37 of 2022 registered for the
offence under Sections 287, 288, 304 (a), 337, 338 and 34 of
the Indian Penal Code.

The present FIR was filed by the police against the
petitioners and others because of the accidental death of one of a
persons involved in bringing down the damaged chimney.



It has been alleged by the informant in the FIR that Medicare Environmental Management Private Limited was based in Bela Industrial Area, Muzaffarpur and for dismantling the chimney they have given a contract to one M/s Sudama Engineering Works who was dismantling the chimney and because of the non-following of the safety measures the alleged incident took place in which one worker has died and one was injured.

Learned senior counsel for the petitioners has submitted that the petitioners are the Directors of Medicare Environmental Management Private Limited, a company based and registered in Hyderabad and one of its units is in Bela Industrial Area, Muzaffarpur.

They had issued a work order dated 20.08.2022 to Sudama Engineering Works having its office at Kanhauli Bishundatt, Bela Road, Muzaffarpur for dismantling and cutting of one old chimney. The work order indicates that all the safety measures to be taken by Sudama Engineering Works.

On 20.08.2022 itself the proprietor of Sudama Engineering Works accepted the order and thereafter they have started the dismantling work in which the accident took place and because of which the present FIR has been registered.



From the facts it has been submitted by the learned senior counsel for the petitioners that the petitioners are not at all liable for the accident and even if some negligence has taken place the liability of the same cannot be fastened on the petitioners and the petitioners cannot be prosecuted for any criminal negligence as they are directors of the company and they not been involved in bringing down the chimney which was allotted to Sudama Engineering Works.

Learned APP for the State has opposed the prayer for quashing and submits that the present application may not be allowed and the FIR cannot be quashed as the investigation is going on and the petitioners will have the liberty to challenge the same if any charge-sheet is submitted against them.

I have gone through the records and have considered the arguments advanced by the parties.

It is an admitted fact that the petitioners are directors of Medicare Environmental Management Private Limited and they are based in Hyderabad and on the date of accident they were not present in the premises of the company (Medicare Environmental Management Private Limited) at Bela. It is also an admitted fact that the dismantling work of the chimney was granted to M/s Sudama Engineering Works vide work order



dated 20.08.2022 and it the company (M/s Sudama Engineering Works) which is involved in dismantling the chimney in which the accident took place.

From reading the FIR it appears that no offence is made out against the petitioners.

Considering the aforesaid facts and also considering the law laid down by the Hon'ble Supreme Court in the Case of *State of Haryana Vs. Bhajan Lal 1992 Supp. (1) SCC 335*, this application is allowed.

Accordingly, the FIR bearing Bela Industrial (Muzaffarpur) P.S. Case No. 37 of 2022 is hereby quashed so far as the petitioners (Satyanarayana Adamala, Pankaj Kumar Maharaj and Sanjiv Kumar) are concerned. However, the FIR may continue in respect of other accused persons.

(Sandeep Kumar, J)

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