



WEB COPY



Crl.O.P.No.18133 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.18133 of 2021

and

Crl.M.P.No.9956 of 2021

Dr.Ponguru Narayana

... Petitioner

Vs.

1.State

Rep. by Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai-600077
(Crime No.55/2020)

2. Thangam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records pertaining to FIR in Crime No.55/2020 dated 08.02.2020 on the file of Thiruverkadu Police Station, Ambattur and quash the same along with the summons dated 01.03.2021 and 20.07.2021 issued in connection with the FIR in crime No.55/2020 dated 08.02.2020 to the petitioner by the 1st Respondent and pass such further or other orders as this Hon`ble Court.

For Petitioner : M/s.P.Wilson Associates

For Respondents : Mr.A.Damodaran, Addl. Public Prosecutor, [R.1]
: Mr.Thangam appeared in Court [R.2]



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ORDER

The petition is to quash the FIR in Crime No.55 of 2020 for the alleged offences under Sections 304A IPC & 7, 8, 9 of the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act 2013.

2. It is alleged in the FIR that on 08.02.2020, the de facto complainant's son was employed to clean the septic tank inside the premises of a school called Narayana E-Techno School, Velappanchavadi, Chennai-77; that he was not provided with safety equipment and he died due to poisonous gas in the septic tank; that he was employed in contravention with the provisions of Prohibition of Employment of Manual Scavengers and their Rehabilitation Act 2013; that the management of the school was liable for the aforesaid offences.

3.(a). Mr.P.Wilson, learned Senior counsel for the petitioner would submit that the petitioner had received summons under Section 41 Cr.P.C. and hence, they had challenged the said summons in the instant petition. On verification, it was confirmed by the learned Additional Public Prosecutor that the petitioner had been made an accused in the impugned FIR. Hence,



he had filed a petition to amend the prayer in the petition seeking quashing of the FIR. The said prayer was allowed by this Court today.

(b). The learned Senior counsel submitted that the petitioner was called for enquiry and has been made an accused by presuming that he was in charge of the management of the school. However, the minutes of the General Body Meeting of the Narayana Educational Society dated 22.05.2014, would show that he had resigned from the management of the school as early as on 22.05.2014. That apart, the allegations would not constitute any of the offences alleged. The impugned FIR does not state as to how the petitioner is liable for the offence under the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act 2013. In any case, the offence under Section 304A IPC is not made out since, the act of the petitioner cannot be said to be the causa causans for the accident.

4. The 2nd respondent, the mother of the deceased appeared before this Court on 12.04.2023 and had confirmed that there was an agreement between her and the said Narayana E-Techno School wherein they had agreed to pay Rs.15,00,000/- as compensation and a monthly maintenance



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of Rs.3,000/-. She confirmed the receipt of Rs.15,00,000/- and that she is receiving a monthly maintenance of Rs.3,000/- from the school as per the MOU. The MOU is dated 07.09.2021. In the said MOU she had agreed not to pursue the impugned FIR.

5. The learned Government Additional Public Prosecutor would submit that the investigation reveals that the petitioner resigned from the Narayana Group of Schools and he is no longer in charge of the management of the said school.

6. This Court on perusal of the impugned FIR finds that the allegation is that the 2nd respondent's son was employed to clean the septic tank and because he inhaled poisonous gas, he died. As regards the allegation against the petitioner, it is seen that the petitioner had resigned from the society and its group of schools as early as on 22.05.2014. The school in which the alleged occurrence took place was established only after he resigned from the said Society. The documents produced by the petitioner which is confirmed by the 1st respondent show that the petitioner resigned from the society on 22.05.2014. Therefore, the petitioner cannot be held to be in the



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management of the school and hence he cannot be made liable for the alleged offences.

7. Further, it is seen that the de facto complainant had entered into an agreement with the school authorities and had obtained Rs.15,00,000/- as compensation and had agreed not to pursue the impugned FIR. However, the impugned FIR is liable to be quashed as against the petitioner not because of the said compromise but since he was not a member of the society which ran the Narayana E-Techno School at the relevant time.

8. Hence, this Court is inclined to quash the impugned FIR as against the petitioner. Accordingly, the Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous Petitions are closed.

25.04.2023
(2/2)

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To
The Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai-600077.



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SUNDER MOHAN. J,

shr

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