



Crl.O.P.No.22413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

**Crl.O.P.No.22413 of 2023
and Crl.M.P.No.15584 of 2023**

1.R.Chatrabujdas R.Shah
2.Mukundas R.Shah
3.R.Rajendrakumar R.Shah

... Petitioners

Vs.

1. State rep. by
The Inspector of Police,
C-2 Elephant Gate Police Station,
Chennai.
(Cr.No.355/2022)

2. Saravanan

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the case pending investigation in Crime No.355 of 2022 on the file of the first respondent and quash the same.

For Petitioners : Mr.C.Vidhusan

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)



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ORDER

Crime No.355 of 2022 registered by the respondent police against 11 persons for the building owner and tenants occupying the premises which collapsed on 04.11.2022 causing death of two persons and injury to two others. The FIR registered under Sections 304(2), 308, 283 of IPC for keeping the building in a dangerous conditions endangering safety of the individual.

2. The learned counsel appearing for the petitioners, who are the owners of the building, submitted that the said building was in a very dilapidated condition and therefore, in the year 2010, the petitioners who are the owners of the building took steps to evict the tenants in the building by filing a petition under Section 14(1)(b) of the Tamil Nadu Rent Control Act. Though, they succeeded in the RCOP filed against the tenants for eviction, the tenants preferred RCA and the same was pending. Meanwhile, the corporation issued notice after noticing the precarious position of the building. However, due to pendency of RCA, the owners of the building



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were not able to demolish the building. Under such circumstances, the accidental fall of the building resulted in the death of two persons and injury to two others, for which the petitioners are no way responsible.

3. The learned counsel appearing for the petitioners had produced all the documents connected with RCOP, RCA and WP filed pursuant to the notice issued by the corporation for the demolition of the building. These documents clearly indicate that the petitioners, who are the owners of the building, had a bonafide intention to demolish the building, but due to legal impediments, they were not able to demolish the building. Therefore, the accidental collapse of the building on the fateful night cannot be attributed to the petitioners. When the building owner has exercised due diligence at all point of time, Section 304 IPC is for negligence or in other words lack of diligence being the ingredients to attract Section 304(A) IPC. The required ingredient, negligence in other words lack of diligence is not made out in this case.



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4. The learned counsel appearing for the petitioners further submitted that though they are not responsible for the collapse of the building or for the accidental death of two persons and two injured, as per the direction of this Court, they deposited Rs.6 lakhs in the Cr.No.355 of 2022 and the same has been disbursed to the injured victim and the LR's of the deceased persons. The said amount given has gratified to the victims as per the direction of this Court is also taken note for considering the quash petition was decreed.

5. The facts of the case fail to attract the ingredients to Section under which the petitioner is being prosecuted. Therefore, it is a fit case to be quashed and therefore it is quashed. The entire FIR is quashed including the accused who are not before this Court.

6. Recording the same, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

04.10.2023

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To

1. The Inspector of Police,
C-2 Elephant Gate Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

DR.G.JAYACHANDRAN, J.



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and Crl.MP.No.15584 of 2023**

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