



Crl.O.P.(MD)No.3691 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.3691 of 2020

M.Subramanian

... Petitioner

Vs.

1.State through by
The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
Crime No.37 of 2018

2.P.Selvarani

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.4 of 2020 on the file of the learned Judicial Magistrate, Paramakudi and quash the same.

For Petitioner : Mr.M.Saravanakumar



WEB COPY



CrI.O.P.(MD)No.3691 of 2020

For R1 : Mr.M.Sakthi Kumar,
Government Advocate (CrI. Side)

For R2 : Mr.C.M.Arumugam

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.4 of 2020 on the file of the learned Judicial Magistrate, Paramakudi.

2.According to the petitioner, based on the complaint given by the second respondent, the first respondent registered a case in Cr.No.37 of 2018 for the offence under Section 174 Cr.P.C., and investigated the case and filed final report as against the petitioner herein for the offence under Section 304(A) IPC. According to the prosecution, on 04.07.2018, the second respondent lodged a complaint before the first respondent stating that the petitioner is a contractor and he constructed a ladies hostel at Melaikudi, for that he stored water 50 meters away from the construction site and fixed electric motor to take water from the public place. On



Crl.O.P.(MD)No.3691 of 2020

04.03.2018, at about 07.30 am., the husband of the defacto complainant, namely, Balamurugan, after natural call, he went nearby the water, at that time, he died due to the electrocution. Hence, the complaint. In fact, the petitioner no way connected with the alleged occurrence and he is only a contractor. Due to the negligence on the part of the staff, the occurrence was happened. Therefore, this petitioner need not face trial and thereby, the pending charge sheet in C.C.No.4 of 2020 is liable to be quashed.

3.No counter was filed by the respondents.

4.The learned counsel appearing for the petitioner would contend that the petitioner has not committed any offence as alleged by the prosecution. The petitioner is the contractor. The occurrence was happened only due to the negligence on the part of the employee of the petitioner. He is no way connected with the crime. Without conducting proper investigation, the first respondent has filed final report as against the petitioner. Therefore, pending C.C.No.4 of 2020 is liable to be quashed.



5.The learned counsel appearing for the second respondent would contend that the second respondent is the wife of the deceased Balamurugan, who died due to the electrocution. Only on the part of the negligence of the petitioner, the above said occurrence was happened and thereby, the second respondent gave a complaint. After completion of investigation, the first respondent filed final report. As per final report, there are prima facie materials available and thereby, the petitioner has to face the trial and this petition is liable to be dismissed.

6.The learned Government Advocate(Crl.side) appearing for the first respondent would contend that on the date of occurrence, due to the negligent on the part of the petitioner, the husband of the defacto complainant died by electrocution. Based on the complaint given by the second respondent, the first respondent registered a case in Cr.No.37 of 2018 and thereafter, filed final report for the offence under Section 304(A) IPC. After filing final report, the trial Court has taken cognizance in C.C.No.4 of 2020 and pending on the file of the learned Judicial Magistrate, Paramakudi. At this stage, this petition is liable to be dismissed.



CrI.O.P.(MD)No.3691 of 2020

WEB COPY

7. Heard both sides and perused the materials available in the records.

8. The allegation as against the petitioner is that the petitioner is a contractor and he was doing construction work of ladies hostel. At that time, he fixed an electric motor to take water from the public place. On the date of occurrence the deceased went to the place, at that time he died due to electrocution. The contractor without following any security measures negligently fixed the electric motor in the public place. Already case has been investigated elaborately and as per final report, prima facie materials available as against the petitioner. This Court also perused the final report filed by the first respondent. On perusal of the same, there are prima facie material available to proceed with the case as against the petitioner. The grounds raised by the petitioner are all defence and the same have to be raised before the trial Court, at the time of trial. Therefore, the petitioner is at liberty to raise all the grounds, which are all raised in this petition before the trial Court. This Court finds no ground to quash the charge sheet and this Court is of the view



Crl.O.P.(MD)No.3691 of 2020

that this petition has no merits and deserves for dismissal. Accordingly,
this criminal original petition is dismissed.

25.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



CrI.O.P.(MD)No.3691 of 2020

To
WEB COPY

- 1.The Judicial Magistrate,
Paramakudi.
- 2.The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.3691 of 2020

P. DHANABAL,J.

gns

CrI.O.P.(MD)No.3691 of 2020

25.09.2023