



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27/03/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.OP(MD)No.11013 of 2022
and
Crl.MP(MD)No.6960 of 2022

1.Booma Devi
2.Kaththammal : Petitioners/A2 and A3

Vs.

1.State rep. by
The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.
(Crime No.56 of 2022) : R1/Complainant
2.Murugan : R2/De-facto Complainant

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records of the 1st respondent police pertaining to FIR registered in Crime No.56 of 2022 and quash the same as illegal.

For Petitioners : Mr.K.K.Samy

For 1st Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

For 2nd Respondent : No appearance

**ORDER**

WEB COPY

This criminal original petition has been filed seeking quashment of the FIR in Crime No.56 of 2022 on the file of the 1st respondent.

2.The facts in brief:-

On 15/02/2022 at about 11.00 am, when the de-facto complainant was working as Village Administrative Officer, heard explosive noise in Nalliveeran Patty village. So along with the Village Assistant, he went to the spot and found the house, which belongs to one Praveen. It found damaged in upstairs portion, so also the first floor of the ground portion. A portion belongs to Soundar Rajan was also found damaged. One was found with burn injuries and another dead. On enquiry, he was informed that the house owners namely Praveen, his wife Booma Devi, mother Kaththammal stored the explosives in the upstairs portion of the house without proper licence. In the above said fire accident, one Ajith died. One Vivitha, who was a tenant, eight months old baby namely Harishitha also found with injuries.



3. On the basis of the complaint, the case was registered against three persons namely Praveen, Booma Devi, Kaththammal. Investigation was undertaken. Now, the final report also stated to be filed. Totally, 20 witnesses have been examined by the Investigating Officer.

4. Now seeking quashment of the same, this petition has been filed by A2 and A3, who are stated to be the wife and mother of A1 namely Praveen on the ground that only A1-Praveen was running a Fire Factory called 'Murugavel Fireworks Factory on contract basis; The contract period was also over in November 2021; After the above said contract period, the remaining raw materials were shifted from the factory premises to the present occurrence place; He stored the above said materials by taking proper safety measures; Except that, these petitioners are related to A1, they were not involved in storing the materials and no materials have been collected during the course of the investigation against the petitioners in the above said occurrence.



5.To show the agreement between one Murugesan and A1, a document has been produced by the petitioners. But no date is available. The lease period was mentioned as one year from 17/12/2020. Now the petitioners says that after the above said lease period was over, the remaining articles were stored and transport to the present place of occurrence.

6.Whether any safety measures were taken by A1 at the time storing the above said explosives, is a matter for consideration by the trial court.

7.As things stand today and from the materials collected during the course of investigation, it is found that these petitioners assisted A1 in storing the above said explosives in the house. The real truth can be a matter for consideration by the trial court. So except stating that they are not involved in the business affairs, no ground is mentioned, either in the petition or during the course of argument. The witnesses, who have been examined during the course of the investigation, have given a statement to the effect that the accused used to shift the explosives from the present premises to



the factory premises and from there to the present premises. Materials have been collected to show that they continuously involved in transporting the explosives from one place to other place. So when such a grave allegation is made against the petitioners, I am of the considered view that this is too a premature stage to quash the proceedings.

8.Since the final report is also made ready, the petitioners can work out their remedy after the final report is presented before the trial court, if they are still aggrieved. I find no reason to quash the investigation process at this stage.

9.In the result, this criminal original petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

27/03/2023

Index:Yes/No
Internet:Yes/No

er



WEB COPY To,

- 1.The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



7

G.ILANGOVAN, J

er

Cr1.OP(MD)No.11013 of 2022

27/03/2023