



WEB COPY



Crl.O.P.No.8151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.8151 of 2024
and
Crl.M.P.Nos.5929 & 5931 of 2024

Murugan

Vs.

... Petitioner

1.The State rep.by
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
Crime no.479 of 2023

2.Devi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records and quash the charge sheet in C.C.No.7 of 2024 on the file of the Judicial Magistrate, Avinashi.

For Petitioner : Mr.M.Vignesh
For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER



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C.C.No.7 of 2024 on the file of the Judicial Magistrate, Avinashi is

the consequence of the criminal complaint registered in Crime No.479 of 2023 dated 29.08.2023 for the offence under Section 288 and 304(A) IPC for co-worker while construction fell down and died due to the injuries.

2. The construction site belongs to the Government and the contractor is one Sivakumar. The police has conveniently registered the FIR against the co-worker and filed final report as if due to his negligence, the accident was took place. For not providing adequate safety method and not properly supervising the construction site, the contractor and the Government who has engaged the contractor should have been prosecuted, instead the poor co-worker Maistry is now prosecuted. Section 161 Cr.P.C., statement of the witnesses, depict the petitioner is the contractor, whereas the real contractor is one Siva kumar. There is no material collected by the Investigating Officer to fix the petitioner herein as an accused as the contractor of the work.

3. The complaint and the investigation would clearly show that it is not only a truncated investigation, but also clear abuse of power to safeguard the contractor who is closed to the Government. Hence, while



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quashing the final report, the Superintendent of Police, Tiruppur is directed to take action against the Investigating Officer, who has filed a truncated final report without ascertaining who is the real contractor and without prosecuting the real contractor but filed a final report against the Maistry, who was working along with the deceased in the site. It is necessary to conduct fresh investigation and prosecute the real person who is caused for the negligence and not providing proper protective measure in the work site.

4. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petitions are closed.

12.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

Dr.G.JAYACHANDRAN,J.

rpl

To

1.The Judicial Magistrate, Avinashi.



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2.The Inspector of Police,
Avinashi Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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