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Crl.O.P.No.26356 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.26356 of 2022

and

Crl.M.P.Nos.16247 & 16248 of 2022

1.Manokaran
2.Ragupathy
3.Sandeep
4.Prasanth

... Petitioners

Vs.

1.State Rep. by
Inspector of Police
Tank Factory Police Station
Chennai District
(Cr.No.898 of 2017)

2.Ilangiyam

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records and quash the final report filed in C.C.No.51 of 2018 pending trial before the learned Judicial Magistrate, Ambattur.



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For Petitioners : Mr.A.Kalaiazhagan
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)
For R2 : Notice served.

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in in C.C.No.51 of 2018 pending trial before the learned Judicial Magistrate, Ambattur, in which cognizance was taken for the offence punishable under Sections 304(A) of IPC.

2. The case of the prosecution is that the 1st petitioner is running a company in the name and style of A.K. Enterprises. The 2nd petitioner is working as a crane operator in the 1st petitioner's company. The 3rd petitioner is working as a welder and supervisor in the 1st petitioner's company. The 4th petitioner is working as a supervisor in the 1st petitioner's company. The deceased worked in SCHWING STETER company at Irungattukottai as a quality controller. The said deceased visited



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the 1st petitioner's company to check the quality of spare parts without wearing safety apparel. At that time, the 2nd petitioner operated the crane negligently. Due to the negligence of the petitioners, a 500 kg iron bucket struck the deceased's chest. As a result, the deceased sustained injuries and died. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel for the petitioners submitted that the deceased was not an employee of the company and that he came to the premises only to check the quality of spare parts without wearing safety apparel. At that time, the 2nd petitioner operated the crane in a negligent manner, causing the 500 kg iron bucket to strike him. However, there was no intention on the part of the petitioners to cause such an accident. Therefore, the negligence or carelessness attributed to the petitioners under Section 304(A) of IPC cannot be made out. The counsel prayed to quash the proceedings as there is no basic material evidence.

4. The learned Government Advocate (Crl Side) appearing for the 1st respondent submitted that on the date of the alleged occurrence, i.e., 09.05.2017, the husband of the de facto complainant, deceased Selvendiran,



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went to the factory belonging to the 1st accused for the purpose of a quality check at 2.30 p.m. When he was performing the quality check on the premises, a 500 kg iron bucket suddenly struck him, resulting in his death. Subsequently, all the petitioners were implicated in this case. Based on the complaint given by the de facto complainant, the wife of the deceased, a final report was filed after completion of the investigation under Section 304(A) of IPC. He further submitted that the accident occurred due to the failure to provide safety measures, and the crane was operated in a negligent manner, making all four persons liable for the accident. Considering the nature of the offence committed by the petitioners. Whether the accident happened due to negligence or not can be proved only at the time of trial. Therefore, this Court declines to quash the proceedings in C.C. No. 51 of 2018 pending trial before the learned Judicial Magistrate, Ambattur.

5. Accordingly, this Criminal Original Petition is dismissed as devoid of merits and Consequently, the connected miscellaneous petitions are closed.



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6. However, the petitioner is aged about more than 60 years, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with and the petitioner is directed to appear if his appearance is necessary.

01.03.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To

1. Inspector of Police
Tank Factory Police Station
Chennai District
(Cr.No.898 of 2017)

2. The Judicial Magistrate,
Ambattur.

3. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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