



CRL.OP(MD). Nos.12963 and 17380 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.10.2024**

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP(MD). Nos.12963 and 17380 of 2023

and

CRL.MP(MD). Nos.10154 and 13794 of 2023

CRL.OP(MD). No.12963 of 2023:-

Badrinarayanan

... Petitioner / Accused No.1

Vs.

1. The State of Tamil Nadu,
The Inspector of Police,
Srirangam Police Station,
Tiruchirappalli.
(Crime No.834 of 2023)

... 1st Respondent / Complainant

2. Sridhar

... 2nd Respondent /
De-facto Complainant

3. R.Sampath

4. K.V.Seshadri
*(R3 and R4 are impleaded as per order
of this Court dated 28.07.2023 in
Crl.M.P.(MD). No.10795 of 2023)*

... 3rd and 4th Respondents



CRL.OP(MD). Nos.12963 and 17380 of 2023

CRL.OP(MD). No.17380 of 2023:-

Srinivasarav @ Srinivasan

... Petitioner / Accused No.2

Vs.

1. The State of Tamil Nadu,
The Inspector of Police,
Srirangam Police Station,
Tiruchirappalli.
(Crime No.834 of 2023)

... 1st Respondent / Complainant

2. M.Sridhar

... 2nd Respondent /
De-facto Complainant

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the First Information Report and alteration report filed in Crime No.834 of 2023 registered by the 1st respondent namely the Inspector of Police, Srirangam Police Station, Tiruchirappalli, for offences under Section 174 of the Code of Criminal Procedure altered into offence under Section 304(A) of the IPC r/w. Section 75 of the Juvenile Justice (Care and Protection of Children) Act, so far as the petitioner is concerned.

For Petitioner (in both cases)	:	Mr.A.Ramesh, Senior Counsel for M/s.Shanmugaraja Sethupathi.D
For R1 (in both cases)	:	M/s.M.Aasha Government Advocate (Crl. Side)



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CRL.OP(MD). Nos.12963 and 17380 of 2023

For R2 to R4 : Mr.D.Veerasekharan
(in Crl.OP(MD). No. 12963 of 2023)

For R2 : Mr.D.Veerapandian
(in Crl.OP(MD). No. 17380 of 2023)

COMMON ORDER

These Criminal Original Petitions are filed to call for the records and quash the First Information Report and alteration report filed in Crime No. 834 of 2023 registered by the 1st respondent namely the Inspector of Police, Srirangam Police Station, Tiruchirappalli, for offences under Section 174 of the Code of Criminal Procedure altered into offence under Section 304(A) of the IPC r/w. Section 75 of the Juvenile Justice (Care and Protection of Children) Act, so far as the petitioners are concerned.

2. The learned counsel for the petitioners seeks quashing these case on compromise. Today, a joint compromise memo is also being filed by the parties. Each parent of the victim/deceased child has received a sum of Rs.5,00,000/-. Today another sum of Rs.5,00,000/- is paid. After receiving the total sum of Rs.10,00,000/-, each of the parents have expressed no objection and stated that they are not willing to press the allegations and the case can be quashed on compromise.



3. In these cases, this Court need not to go by the victims alone but has to look into the nature of the allegations as per the dictum of the Hon'ble Supreme Court of India in ***Gian Singh -vs- State of Punjab & Another*** reported in **2012 (10) SCC 303**. Upon consideration of the instant case, the facts reveal that the petitioner/accused was operating a Vedapatasala on the banks of the Kollidam River. As per their practice, the children admitted to the Vedapatasala take an early morning dip in the river. On the fateful day, it is stated that when the children went for a dip, the current of the water suddenly became stronger causing the children to be swept away, resulting in the tragic death of three children.

4. The contention of the prosecution is that the management of the Vedapatasala is responsible for the incident. The Vedapatasala argues that, at the time of admission, it was made a condition that the children would take a dip in the Kollidam River, and this condition was accepted by the parents, making them partly responsible. Furthermore, the Vedapatasala asserts that it is customary for public announcements to be made when excess water is released into the Kollidam River to inform residents on both sides of the river. However, in this instance, no such announcement was made.



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5. It is the contention on behalf of the Government that the water was diverted only for drinking water needs and alert was also made. It represented that it is for the drinking purposes and it is usual procedure to release such water.

6. Thus it can be observed that the gravamen of the allegations does not point definitively to one individual, instead, it leads to a dilemma and debate regarding who should be held responsible. When the case itself is of such a nature, I am of the view that it necessarily falls within the four corners of the law laid down by the Hon'ble Supreme Court of India, so as to enable this Court to exercise its extraordinary power to quash these cases under Section 482 of the Code of Criminal Procedure.

7. In view thereof, I am of the view that this is a fit case, where this Court can exercise its extraordinary power, to quash the case. The joint memorandum of compromise shall form part and parcel of the order. The First Information Report in Crime No. 834 of 2023 on the file of the respondent police shall stand quashed.



CRL.OP(MD). Nos.12963 and 17380 of 2023

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8. Accordingly, these Criminal Original Petitions stand allowed.

Consequently, the connected Miscellaneous Petitions are closed.

25.10.2024

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

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To

1. The Inspector of Police,
Srirangam Police Station,
Tiruchirappalli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL.OP(MD). Nos.12963 and 17380 of 2023

D.BHARATHA CHAKRAVARTHY,J.

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Order made in
CRL.OP(MD). Nos.12963 and 17380 of 2023

25.10.2024