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CrI.O.P.(MD)No.16339 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.16339 of 2022
and
CrI.M.P.(MD).Nos.10854 & 10855 of 2022

1.Palanisamy

2.Natarajan

3.Vincent Raj

... Petitioners

Vs.

1.The Inspector of Police,
Velliyanai Police Station,
Karur District.
(Crime No.74 of 2013)

2.Karthick

... Respondents

*PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.138 of 2014 on the file of the learned Judicial Magistrate No.II, Karur and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.G.Karuppasamy Pandian

For R-1 : Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)

For R-2 : No Appearance



was started, one of the employees of the TANGEDCO, inadvertently, opened the electricity connection in High Tension line, due to which, two employees working under the HT Line have been electrocuted and three other employees were suffered injuries. Thereafter, based on the complaint given by one Karthick, who is the one of the employees, a case in Crime No.74 of 2013 has been registered before the respondent Police and the respondent Police after conducting investigation, filed a charge sheet before the learned Judicial Magistrate No.II, Karur in C.C.No.138 of 2014 for the offence punishable under Sections 337, 304(2) and Section 149 of the Electricity Act. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners would submit that Accused Nos.1 to 3 had filed a quash petition before this Court in CrI.O.P.(MD).No.14846 of 2014 and this Court vide its order dated 22.08.2019, quashed the proceedings in C.C.No.138 of 2014 against them. He would further submit that Accused Nos.4 and 5 are responsible for the alleged incident. Hence, he prays for allowing this petition.



4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that all those points raised before this Court is a triable issue, which cannot be canvassed before this Court and it can be canvassed only at the time of trial.

5. Heard the learned counsel appearing for the second respondent.

6. On perusal of the charge sheet, it is seen that Accused Nos.1 to 3 were not present at the scene of occurrence. It is also seen that Accused No.7, who was working as the Electrical Inspector of TANGEDCO, has permitted the Contractor to carry out the work on the alleged day of occurrence. The petitioner Nos.2 and 3 / Accused Nos.8 and 9 are the employees only and no serious allegations are made against them. Apart from that already this Court quashed the proceedings in respect of Accused Nos.1 and 2. Hence, this Court is inclined to quash the proceedings in C.C.No.138 of 2014 in respect of petitioner No.2 and 3. Since some serious allegations are made against the first petitioner / Accused No.7, this Court is not inclined to quash the proceedings in respect of the first petitioner / Accused No.7.



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7. At this juncture, the learned counsel appearing for the petitioners would submit that this Court may consider to dispense with the personal appearance of the first petitioner before the court below.

8. Taking into consideration the request as made by the learned counsel for the petitioners, the appearance of the first petitioner before the trial court is dispensed with except for her appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the first petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

9. In the result, the proceedings in C.C.No.138 of 2014 stands quashed in respect of petitioner Nos.2 and 3 and this Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

14.03.2024

Ncc : Yes /No

Index : Yes/No



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Internet : Yes/No

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To

1.The Judicial Magistrate No.II, Karur.

2.The Inspector of Police,
Velliyanai Police Station,
Karur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

TSG

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