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CRL OP No. 1064 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 1064 of 2024

AND

CRL MP NO. 7418 OF 2024, CRL MP NO. 7419 OF 2024

1. MAHENDIRAN

S/o.Rajaraman, Working As Physical
Education Teacher, Government High
School, Katterikuppam, Puducherry.

Petitioner(s)

Vs

1. Station House Officer

Katterikuppam Police Station,
Katterikuppam, Puducherry. Fir
No.0169/2020

2.S.Pachaiammal

W/o.Selvakumar, Residinga T Mettu
Street, Katterikuppam, Puducherry.

Respondent(s)

PRAYER : Petition filed under Section 482 of Cr.P.C., to call for the records and quash the Charge sheet no.215 of 2020 on the file of the Honble Judicial Magistrate Court No.IV at Puducherry and to pass such other or further orders in the interest of justice and thus render justice.



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For Petitioner(s): M/s.V.Ajayakumar
G.Shanmugam

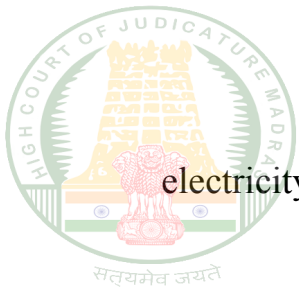
For Respondent(s): Mr.K.S.Mohandass,Public
Prosecutor(puducherry) For R1

ORDER

This Petition has been filed to call for the records and quash the Charge Sheet No.215 of 2020 on the file of the Hon'ble Judicial Magistrate Court No.IV at Puducherry.

2. A final report has been filed against the petitioner that while construction, the deceased persons who were engaged by the petitioner, came into contact with the overhead electricity line which was passing opposite to the petitioner's house and electrocuted and succumbed to death. Therefore, the petitioner has been prosecuted. The very statement recorded by the police indicate that the petitioner in fact engaged a contractor to construct the house. While in turn, the contractor engaged the deceased persons. While they were operating the concrete mixer machine inside the campus and while throwing iron rope, accidentally came into contact with the overhead electricity line passing opposite to the petitioner's house.

3. The very statement of the witness clearly indicate that neither the petitioner nor the contractor directed such act. In fact, the workers themselves have thrown that iron rope which came into contact with the overhead



electricity line. The entire statement recorded has been taken as proof.

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4. This Court is of the view that the offence as against the petitioner cannot be made out. To make out a case under Section 285 of IPC, there must be evidence to show that any person whoever does with fire or any combustible matter, any act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished.

5. But, the fact remains that the overhead electricity line was passing opposite to the petitioner's house. Therefore, the question of obtaining safety measures from the Electricity Department will not arise. Similarly, to fasten liability under Section 304-A, there must be evidence to show that the petitioner acted in a rash and negligent manner with an intention which resulted in the death of any person. However, the very statement recorded by the police indicates that it is a clear case of accident and no overtact is alleged against the petitioner. Merely because he is the owner of the property, he has been roped into a criminal case. There must be either rash or negligent act on the part of the petitioner and that act should have been done with an intention. Unfortunately, the deceased came in touch with the electric wire which was running opposite to the petitioner's house. In fact they handled the iron ropes negligently which



resulted in electrocution. In such view of the matter, the above said offences could not be made out against the petitioner and keeping the final report pending will not serve any purpose.

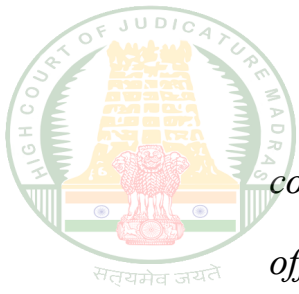
6. In order to quash the FIR by exercising the powers under Section 482 of Cr.P.C., it should be fit into any of the seven golden principles laid down in the case of ***State of Haryana and Others Vs. Bhajan Lal and Others, reported in 1992 Supp (1) Supreme Court Cases 335***, as shown under:

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(3) where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) where the allegations in the FIR do not constitute a



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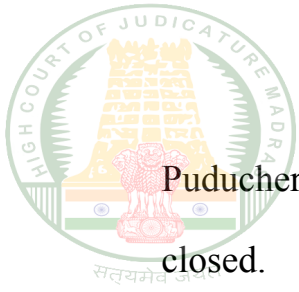
cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the Institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge”

7. Accordingly, this Criminal Original Petition is allowed and the charge sheet in Cr.No.215 of 2020, on the file of the Judicial Magistrate Court No.IV at



Puducherry is quashed. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Station House Officer

Katterikuppam Police Station,
Katterikuppam, Puducherry. Fir
No. 0169/2020

2. The Public Prosecutor,
High Court of Madras.



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N.SATHISH KUMAR J.

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