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CRL OP No. 27953 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 27953 of 2025

and

CRL MP Nos.18950 & 18951 of 2025

Sam Paul

Petitioner(s)

Vs

1. The State Rep by
The Inspector of Police
S-5, Pallavaram Police Station,
Pallavaram, Chennai - 600 043
Crime NO. 242 of 2016

2.M.Paul Jayaraj

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in connection with C.C.No.16 of 2022 dated 19.08.2017 on file of the learned Judicial Magistrate, Keelkatalai and to quash the same.



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For Petitioner(s): S.Kingston Jerold

For R1

Mr.R.Vinoth Raja

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for the records in connection with C.C.No.16 of 2022 dated 19.08.2017 on file of the learned Judicial Magistrate, Keelkatalai and to quash the same.

2. The learned Counsel for the petitioner submitted that unfortunately, the deceased fell down, while he was painting the petitioner's house. No ingredients are available against the petitioner to constitute an offence. According to him, he had already paid a sum of Rs.4,50,000/- as compensation before the Labour Commissioner . As long as there is no material available with regard to criminal case, the same has to be quashed. Further, he submitted that the charges made as against A2 had already been quashed by this Court, vide order dated 26.04.2023 in Crl.O.P.No.5417 of 2021.

3. Learned Government Advocate (Crl.Side) appearing for the respondent-Police submitted that the case of the prosecution is that the second



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respondent engaged the deceased to painting work in the petitioner's house and

while carrying out the said work, he fell down and sustained injury. Safety

precautions have not been taken by the accused to protect the deceased.

Due to non-providing of the safety measures, the deceased died. Hence, the

respondent-Police registered a case as against the petitioner and others. The

petitioner is arrayed as A1 for the offence under Section 304(A) of the IPC.

After completion of investigation, charge sheet was filed and the same was

taken on file in C.C.No.270 of 2017 on the file of the Judicial Magistrate Court

Tamparam, Chennai. Later, the case was transferred to the learned Judicial

Magistrate, Keelkatalai and renumbered as C.C.No.16 of 2022.

4. The allegation levelled in the final report is that on 28.1.2016, while the deceased was doing painting work in the petitioner's house, he fell down from the height of 15 feet and sustained injuries and as a result, he succumbed to injuries on the same day. Accordingly, the petitioner and others were charged for the alleged offence. The entire materials collected by the prosecution would not even show that the petitioner acted in a rash or negligent manner. When the deceased was a skilled labour, he ought to have taken precautionary measures



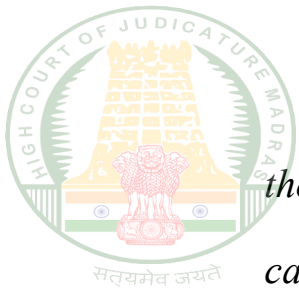
while painting the wall. He has not taken any such precautionary measures and as a result, he died in the accident. At the most, the petitioner can be liable only

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under the civil Act for torts and damages. He has also submitted that Rs.4,50,000/- had already been deposited to the credit of W.C.No.343 of 2016 on the file of the Commissioner for Workmen's Compensation, Chennai. Further, it is stated that while quashing the criminal proceedings against A2, again a sum of Rs.1 Lakh had been deposited.

5. While allowing the criminal original petition filed by A2, this Court vide order dated 26.04.2023 in Crl.O.P.No.5417 of 2021, referred the observation of the Hon'ble Supreme Court in ***Sushil Ansal Vs. State through Central Bureau of Investigation – 2014 (6) SCC 173***, are as follows:

“81. Suffice it to say that this Court has in Kurban Husseins case accepted in unequivocal terms the correctness of the proposition that criminal liability under Section 304-A of the IPC shall arise only if the prosecution proves that the death of the victim was the result of a rash or negligent act of

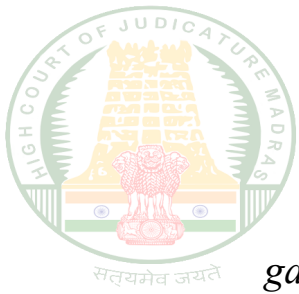


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the accused and that such act was the proximate and efficient cause without the intervention of another persons negligence.

A subsequent decision of this Court in Suleman Rahiman Mulani v. State of Maharashtra AIR 1968 SC 829 has once again approved the view taken in Omkar Rampratap case that the act of the accused must be proved to be the causa causans and not simply a causa sine qua non for the death of the victim in a case under Section 304-A of the IPC. To the same effect are the decisions of this Court in Rustom Sherior Irani v. State of Maharashtra 1969 ACJ 70; Balchandra v. State of Maharashtra AIR 1968 SC 1319; Kishan Chand v. State of Haryana(1970) 3 SCC 904; S.N Hussain v. State of A.P. (1972) 3 SCC 18; Ambalal D. Bhatt v. State of Gujarat (1972) 3 SCC 525 and Jacob Mathew's case.

82. To sum up: for an offence under Section 304-A to be proved it is not only necessary to establish that the accused was either rash or grossly negligent but also that such rashness or gross negligence was the causa causans that resulted in the death of the victim.

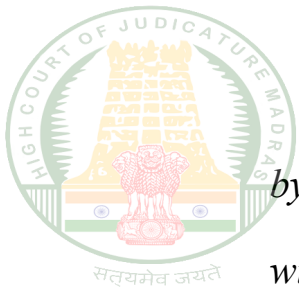


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83. *As to what is meant by causa causans we may gainfully refer to Blacks Law Dictionary (Fifth Edition) which defines that expression as under: “Causa causans-The immediate cause; the last link in the chain of causation.*

The Advance Law Lexicon edited by Justice Chandrachud, former Chief Justice of India defines Causa Causans as follows: “Causa causans-The immediate cause as opposed to a remote cause; the last link in the chain of causation; the real effective cause of damage.

84. *The expression proximate cause is defined in the 5th edition of Blacks Law Dictionary as under: “Proximate cause-That which in a natural and continuous sequence unbroken by any efficient intervening cause, produces injury and without which the result would not have occurred. Wisniewski vs. Great Atlantic & Pac. Tea Company., A2d at p. 748. That which is nearest in the order of responsible causation. That which stands next in causation to the effect, not necessarily in time or space but in causal relation. The proximate cause of an injury is the primary or moving cause, or that which in a natural and continuous sequence, unbroken*



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by any efficient intervening cause, produces the injury and without which the accident could not have happened, if the injury be one which might be reasonably anticipated or foreseen as a natural consequence of the wrongful act. An injury or damage is proximately caused by an act, or a failure to act, whenever it appears from the evidence in the case, that the act or omission played a substantial part in bringing about or actually causing the injury or damage; and that the injury or damage was either a direct result or a reasonably probable consequence of the act or omission.”

6. Considering the aforesaid facts and circumstances of the case and for the above reasons, this Court finds that the impugned proceedings against the petitioner is liable to be quashed. Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

14-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The Judicial Magistrate, Keelkatalai.

2. The Inspector of Police
S-5, Pallavaram Police Station,
Pallavaram, Chennai - 600 043 Crime
NO. 242 of 2016

3. The Public Prosecutor,
High Court, Chennai.



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N.SATHISH KUMAR J.

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