



CrI.O.P.(MD)Nos.8013 & 8015 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)Nos.8013 & 8015 of 2025

and

CrI.M.P(MD)Nos.6032, 6035, 6039 & 6040 of 2025

Prathima Infrastructure Ltd.
rep. by its
Usharani Boinipallay
W/o Srinivas Rao Boinipally,
M/s Prathima Infrastructure Ltd.,
D.No.127/7A, 2nd Cross Street,
Anbu Nagar, Manamadurai,
Sivagangai District.

.. Petitioner in CrI.O.P(MD)No.8013 of 2015

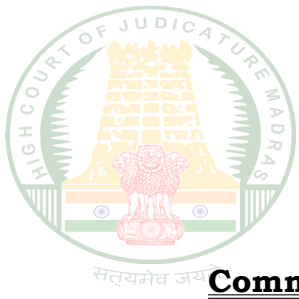
Usharani Boinipallay
W/o Srinivas Rao Boinipally,
M/s Prathima Infrastructure Ltd.,
D.No.127/7A, 2nd Cross Street,
Anbu Nagar, Manamadurai,
Sivagangai District.

.. Petitioner in CrI.O.P(MD)No.8015 of 2015

versus

State rep. by its
Deputy Director (BOCW),
Industrial Safety and Health,
11/1A, Vinayaga Nagar,
K.K.Nagar, Opp. District Court,
Madurai – 625 020.

...Respondents



CrI.O.P.(MD)Nos.8013 & 8015 of 2025

Common Prayer : Criminal Original Petitions filed under Section 528 of BNSS, to call for the records pertaining to the complaint C.C.Nos.222 and 223 of 2024 respectively on the file of the Judicial Magistrate Court, Sivagangai and quash the same.

In both petitions:

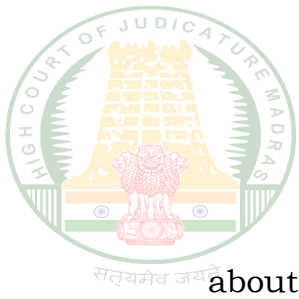
For Petitioner : Mr.C.M.Arumugam

For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (CrI. Side)

COMMON ORDER

The petitioner/Accused has filed these Criminal Original Petitions to quash the proceedings in CC Nos.222 and 223 of 2024, on the file of the learned Judicial Magistrate, Sivagangai.

2. The respondent police have registered a case against this petitioner for the offences under Sections 47(1) and 50(1) of the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996. The case of the prosecution is that the petitioner is a contractor, and the complainant inspected the place of occurrence on 13.04.2024 at about 3.30 p.m. and found that the petitioner violated the provisions of the aforesaid Act. On 12.04.2024 at



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about 4.10 p.m., the contract labourers of the petitioner's company were in the process of lifting water pipes from a lorry with a mobile crane and keeping them on the floor. While they were lifting the second pipe with the mobile crane, the water pipe started to rotate, and labour Roshankumar touched the water pipe to stop its rotation, and he did not wear safety shoes. At that time, the steel wire rope attached to the mobile crane touched the overhead high-tension electricity line. The labourer Roshankumar got electrocuted, and he was taken to Sivagangai Government Hospital, and he died on the same day. Consequently, the complaint was filed.

3. The learned counsel for the petitioner submits that admittedly, the said accident occurred accidentally when the deceased was working near the crane, which was unloading the iron pipes from the lorry, and it cannot be said the incident occurred due to negligence or inadequate safety measures taken by the employees of the petitioner. No occurrence happened as alleged by the prosecution, and this petitioner does not have any bad antecedents. He further submits that the respondent has lodged the complaint against the petitioner without obtaining the necessary sanction order.



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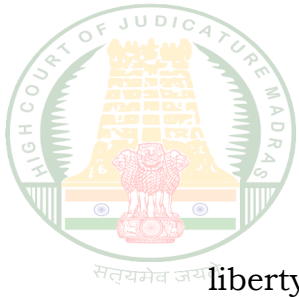
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4.Mr. A. S. Abul Kalaam Azad, learned Government Advocate (CrI.side), who takes notice for the respondent, strongly objects to quash the proceedings in CC Nos. 222 and 223 of 2024 and submits that the offence is against the poor labourer and the grounds raised by the petitioner are a matter for trial. He would further submit that a copy of the sanction order has been furnished to the petitioner.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI. side) appearing for the respondent.

6. This court, already by order dated 21.07.2025, decided to dismiss these petitions with liberty to the petitioner to raise all the grounds before the trial court, and a copy of the sanction order was also furnished to the petitioner. However, at the request of the learned counsel for the petitioner, this matter was adjourned to today.

7. Today, this court considered the submission of both the learned counsel. Though the petitioner has raised several grounds, this Court is of the opinion that they can be appreciated only during the trial. Therefore, this court is not inclined to entertain these petitions, and accordingly, these Criminal Original Petitions are dismissed. However,



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liberty is granted to the petitioner to raise all these grounds before the trial court during the trial. Consequently, connected miscellaneous petition is closed.

28.07.2025

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

To

1. The Judicial Magistrate, Sivagangai.
2. The Deputy Director (BOCW),
Industrial Safety and Health,
11/1A, Vinayaga Nagar,
K.K.Nagar, Opp. District Court,
Madurai – 625 020.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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