



Crl.O.P.(MD)No.16587 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.16587 of 2025

and

Crl.M.P(MD) Nos.13530 and 13532 of 2025

1. Anusiya Devi

2. Pandi

... Petitioners/Accused 1 and 3

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Sindhupatti Police Station,
Madurai District.
Crime No.202 of 2022.

...1st Respondent/Complainant

2.Rajamani

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the Charge Sheet in P.R.C.No.73 of 2025 on the file of the learned Judicial Magistrate Court, Thirumangalam and quash the same as illegal.

For Petitioner : Mr.Henri Tiphagne

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the final report in P.R.C.No.73 of 2025 on the file of the learned Judicial Magistrate, Thirumangalam, filed for the offences punishable under Sections 286, 337, 338, 304(ii), 308, 427 of IPC and Section 9(B)(1)(a) of the Indian Explosives Act, 1884.

2. The gist of the allegation in the impugned final report is that the first accused was running a factory by the name *VBM Fireworks*; that on 10.11.2022 at about 1.30 p.m., an explosion occurred in the said factory, resulting in the death of five workers and causing grievous injuries to about sixteen workers; that although the petitioners had a valid licence to store explosives and had also obtained insurance coverage, they failed to take due care and caution in ensuring that the fire extinguishers were in working condition and that the workers had a safe environment; and that the workers were made to work in an open place, thereby causing the death and injuries to them.

3. The learned Senior Counsel for the petitioners would submit that the disputed allegations even if accepted to be true, would at best, suggest



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negligence and would not constitute either gross negligence to attract Section 304(A) or attract the offence under Section 304(ii) IPC or any of the other offences alleged. He further submitted that there is no allegation that the fireworks were manufactured in violation of the provisions of the Explosive Substances Act and therefore, no offence under the said Act is made out; that for the alleged violations in the factory, the persons in-charge of the factory, were already prosecuted under the Factories Act and on their admission of guilt, they were sentenced to pay fine; that in such circumstances, the first petitioner cannot be held vicariously liable for the accident. In support of his contentions, the learned Senior Counsel relied upon the judgment of this Court in ***Sumathi v. State***, reported in ***2023 (2) MWN (Cr.) 279***.

4. The learned Senior Counsel would further submit that the petitioners have paid compensation to all the injured victims as well as to the family members of the deceased; that the Government has also paid compensation; that the family members of the deceased have received compensation under the Workmen's Compensation Insurance Scheme; and that, since the offences alleged are not made out and considering the aforesaid fact, the impugned final report may be quashed.



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5. The learned Additional Public Prosecutor, per contra, would submit that the petitioners, being the owner, supervisor, and persons in charge of VBM Fireworks, had stored explosives in a manner endangering human life; that due to their failure to take proper care and caution, five lives were lost and sixteen others sustained grievous injuries; that the question as to whether their act amounts to negligence or gross negligence or an offence under Section 304(ii) IPC can be adjudicated only in the trial; and that mere payment of compensation would not absolve the petitioners from their criminal liability.

6. It is seen from the averments in the impugned final report that the first petitioner is the owner of the said VBM fireworks; that the petitioner has a valid licence for manufacturing the fireworks for the period between 24.02.2022 and 31.03.2024; and that they also had a license to store explosives for the period from 29.04.2022 to 31.05.2027 issued by the District Collector. They had obtained No objection Certificate from the Fire and Rescue Department on 15.02.2023. They had also obtained a group insurance for its employees.



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7. The only allegation is that the fire extinguishers were not properly maintained by the petitioners and 50 workers were made to handle explosives in an open place and only due to the aforesaid negligent act, the occurrence took place.

8. Admittedly, the employees of the factory were prosecuted for violations under the Factories Act and on their admission of guilt, they were sentenced to pay fine. The question is whether the non-maintenance of fire extinguisher was the immediate cause for causing the death of five persons and for causing grievous injuries to 16 persons. It is not the case of the prosecution that the accident itself took place because the petitioners did not have valid licence to store explosives and to manufacture firecrackers. Therefore, it cannot be said that the alleged negligent act attributed to the petitioners was the immediate cause for the occurrence. The petitioners, at best, would be liable for the tort of negligence. There is nothing in the impugned final report even to accuse them of the crime of negligence, as to prosecute a person for the offence under Section 304(A) of IPC, it has to be established that there was gross negligence, which is not so in this case. That apart, the allegations and the aforesaid facts do not suggest that the petitioners had the requisite knowledge



that their act would cause the death of the workers. The allegations at best suggest that an accident had occurred in a licensed premises.

9. That apart, the other offence under Section 308 IPC also would not be made out. The prosecution alleges certain violations under the Factories Act which have no immediate bearing to the occurrence. This Court in the case of **Sumathi Vs. State** reported in **2023 (2) MWN (Cr.) 279** had held as follows.

“12.The prosecution has not stated anywhere as to how this violation of these conditions were the immediate cause for the accident. There is nothing in the entire records to show that the accident occurred only to due to the violations alleged by the prosecution. The violations of the conditions/licence in the instant case, does not ipso facto lead to the conclusion that they were the proximate cause for the occurrence. The prosecution does not allege one single cause for the accident. Several factors a combination of which, according to the prosecution, has caused the occurrence. In the criminal law, the act of the accused must be the causa causans, the proximate cause for the occurrence. It is not the case of the prosecution that these violations happened only on the fateful day. According to the prosecution, the violations were there even prior to the accident. Therefore, these violations cannot be said to be the immediate cause for the accident. It is alleged by the prosecution that the training supervisor was not employed to supervise and impart



training to the employees as to handle fire crackers. The Foreman, who was directly in-charge of these acts, is unfortunately no more. In the absence of any material in the final report to suggest that the act of the petitioner was the immediate cause/causa causans for the occurrence, the charge under Section 304-A, would not lie.

13.Further, the prosecution has to not only establish causa causans, but also gross negligence to prove the charge under Section 304-A IPC. The allegations of violations which have been spelt out by the prosecution are not of such a nature as to call it gross negligence. However, the petitioner may be liable for tort of negligence and not for the crime of negligence. Admittedly, the petitioner has paid compensation to the victims for the said tort. Therefore, this Court is of the view that the offence under Section 304-A IPC and other offences based on negligence namely, Sections 338, 337 and 286 IPC are not made out in the facts of the instant case.”

That apart, the offence under Section 9(B)(1)(a) of the Indian Explosives Act is also not made out as there is no allegation that the explosives were manufactured in violation of any rule. The observations made by this Court in *Sumathi's* case (cited supra) in paragraphs 15 and 16, reads as follows:



“15.As regards the offence under Section 9B(1)(a) of the Explosive Act, 1884, the provision reads as follows:-

9B. Punishment for certain offences.—(1) *Whoever, in contravention of rules made under section 5 or of the conditions of a licence granted under the said rules—*

(a) manufactures, imports or exports any explosive shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both;

16.There is absolutely no allegation in the impugned charge sheet as to how the petitioner had manufactured the explosive substance in violation of any rule. Even according to the prosecution, manufacturing of explosive substance has not been stated to be in violation of conditions of licence. Though the prosecution case is that the petitioner has violated the conditions of licence and the rules framed under the Explosives Act, they have not spelt out as to what are the conditions and rules that have been violated. Therefore, this Court is of the view that the offence under Section 9B(1)(a) of the Explosive Act, 1884 is also not made out.”

The above observations would squarely apply to the facts of the instant case.

10. In this case, it is seen that the victims have all been paid compensation. Admittedly, the petitioners had paid a sum of Rs.10,00,000/- to



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each of the families of the deceased; and that they paid a sum of Rs.10,10,000/- to all the injured persons. The Government also has paid compensation to the victims. The family of the deceased had also received Rs.5,00,000/- each as compensation under the Workman's Compensation Insurance Scheme.

11. Therefore, for all the aforesaid reasons, this Court is inclined to quash the impugned final report in P.R.C.No.73 of 2025 on the file of the learned Judicial Magistrate Court, Thirumangalam. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

27.11.2025

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

Indu/dk

To

1. The Inspector of Police,
Puliangudi Police Station,
Tenkasi District,

2. The Additional Public Prosecutor,

9/11



Madurai Bench of Madras High Court,
Madurai.

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SUNDER MOHAN, J.

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