

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE
BEFORE HON. SHRI JUSTICE ALOK VERMA,J.

M.Cr.C. No.1969/2016

Ravikant S/o Sitaram Ji Gupta

Vs.

State of Madhya Pradesh

Shri Vivek Singh, learned counsel for the applicant.

Ms. Mini Ravindran, learned counsel for the respondent/State.

ORDER
(Passed on 10/08/2016)

This application under Section 482 Cr.P.C. is filed for quashment of proceedings in Criminal Case No.2900/2004 pending before the Additional Chief Judicial Magistrate, Indore.

2. According to the applicant, he is facing prosecution in a case arising out of Crime No.254/2004 under Sections 285, 287, 337, 338 and 304-A of IPC. The present applicant is a Manager of factory of private company Amsar Pvt. Ltd. On 07.04.2004, a fire broke out in the factory. The factory is engaged in production of herbal extracts. For this purpose various solvents like methanol, acetone, ethyl acetate petroleum etc. were stored in the premises of the factory. At the time of incident, 8 workmen were working in that factory sustained injuries in the incident. The employee Shri Rajendra Giri succumbed to the burnt injuries, he sustained in the incident. Other 7 employees sustained injuries of various nature. Subsequently, the spot of the incident was inspected by factory inspector and a complaint was filed under the relevant provisions of Factories Act and rules.

3. Also the intimation was given to the concerning Police Station on which the aforesaid crime was registered against the present applicant and charge-sheet was filed.
4. The present applicant is facing trial, both in the case filed by the concerning Police Station and also a complaint case filed by the factory inspector.
5. This application under Section 482 Cr.P.C. is filed for quashment of proceedings arising out of Crime No. 254/2004.
6. Learned counsel for the State opposes the application.
7. Learned counsel for the applicant placing reliance on judgment passed by this Court in M.Cr.C. No.3222/2015 in case of **Neeraj Verma Vs. State of M.P.** reported in **2015 Cr.L.J.(M.P.) 635** in that case, however, when the application was filed, the applicant was convicted under the provisions of Factories Act and the amount of fine was deposited, and therefore, it was argued on behalf of the applicant that the prosecution on the basis of same set of facts shall be hit by provisions of Section 300 Cr.P.C.
8. So far as the present case is concerned, the facts of the case is different. At present, both the cases are pending, and therefore, the bar created by provisions of Section 300 Cr.P.C. would not arise. Under the provisions of Section 210 Cr.P.C. when two separate cases are filed, one on police investigation and another on a complaint case based on the same set of facts then both the cases will run together. Under this situation, so far as this case is concerned, the principle laid down in case of **Neeraj Verma (supra)** would not apply.

9. As such, this application is disposed of with a direction that both the cases should be heard simultaneously by the same Court and for this purpose, the applicant is at liberty to file an appropriate application before the Chief Judicial Magistrate of concerning district. The judgment shall be passed in both the cases simultaneously and in case both the cases result in conviction, the present applicant is at liberty to file an application for giving benefits of provisions of Section 427 Cr.P.C.

10. With observations as aforesaid, this application stands disposed of.

(ALOK VERMA)
JUDGE