



2026:CGHC:9784-DB



2026:CGHC:9784-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 579 of 2026

Tamada Shanmukha Rao S/o Late T Appa Rao Aged About 54 Years R/o C-Block, Plot No. 201, Gokuldharm Apartment, Near Kotra Road, District- Raigarh, Chhattisgarh.

... **Petitioner**

versus

1 - State of Chhattisgarh Through P.S.- Dhabra, District- Shakti, Chhattisgarh.

2 - Santosh Tiwari S/o Siya Ram Tiwari R/o Choki Faguram, P.S. Dhabra, District- Shakti, Chhattisgarh.

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Pankaj Singh, Advocate
For Respondent-State	:	Mr. Priyank Rathi, Government Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

25.02.2026

1. Heard Mr. Pankaj Singh, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondent No.1.
2. The petitioner has filed this petition praying for following reliefs:-



“A. Quash FIR No. 0337/2025 dated 08.10.2025 registered at Police Station Dabhra, District Sakti for the alleged offences under Sections 106(1), 289 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 against the Petitioner and all consequential proceedings arising therefrom;

B. Pass such other and further orders as this Hon'ble Court may deem fit in the interest of justice.”

3. Learned counsel for the petitioner submits that the present petition has been preferred invoking the inherent jurisdiction of this Hon'ble Court for quashment of FIR No. 0337/2025 dated 08.10.2025 registered at Police Station Dabhra, District Sakti, arising out of the unfortunate industrial accident dated 07.10.2025 at M/s RKM Powergen Pvt. Ltd., Village Uchhapinda, District Janjgir-Champa. It is contended that the petitioner has been arrayed as an accused solely in his capacity as the “occupier” under the Factories Act, 1948 and that the allegations in the FIR are entirely derivative of his official position, without any independent or personal act of negligence being attributed to him.
4. Learned counsel submits that in respect of the very same incident, the respondent-State has already initiated statutory proceedings under Section 105 read with Section 92 of the Factories Act, 1948 alleging contravention of safety obligations. The factual foundation in both proceedings—the statutory complaint under the Factories Act and the impugned FIR invoking Sections 106(1), 289 and 3(5) of the Bharatiya Nyaya Sanhita, 2023—is identical, namely, alleged safety



lapses resulting in the elevator malfunction leading to fatalities and injuries. It is argued that the FIR does not disclose any additional or independent ingredient distinct from what is already the subject matter of the special statutory prosecution. Thus, permitting both proceedings to continue would amount to impermissible parallel prosecution based on the same transaction, exposing the petitioner to duplicative criminal process.

5. It is further submitted that the Factories Act is a special and self-contained legislation governing industrial safety and prescribing specific penal consequences under Section 92 for contravention leading to death or serious injury. In such circumstances, invocation of general penal provisions under the Bharatiya Nyaya Sanhita for the same alleged omission defeats the legislative intent underlying the special statute. Placing reliance on settled principles of law, learned counsel contends that where a special statute occupies the field and provides a complete mechanism for prosecution, recourse to the general penal law is unwarranted in absence of distinct ingredients. Continuation of both proceedings would, therefore, result in abuse of process and is liable to be interdicted by this Court in exercise of its inherent powers.
6. Learned counsel further submits that the Passenger-cum-Goods Elevator in question had been duly examined and certified by a Competent Person recognised under Section 28 of the Factories Act read with Rule 61(1) of the Chhattisgarh Factories Rules, 1962, and the certificate was valid on the date of the incident. The statutory



inspection recorded the lift to be mechanically sound and compliant with safety requirements. In the absence of any material indicating structural defect or violation contrary to the statutory certification, the essential ingredient of culpable negligence is conspicuously absent. The impugned FIR, based on generalized allegations without advertent to the valid safety certification, reflects non-application of mind and amounts to criminalising an accident per se. On these grounds, it is prayed that the FIR and all consequential proceedings be quashed in the interest of justice.

7. On the other hand, learned State counsel, placing reliance upon the merger intimation and the FIR lodged by Santosh Tiwari, Sub-Inspector and In-charge, Faguram Outpost, submits that the material collected during the course of investigation clearly discloses the commission of cognizable offences and establishes prima facie gross negligence on the part of the persons in charge of the affairs of the power plant. It is contended that on 07.10.2025 at about 8:30 PM, ten employees of RKM Power Plant, Uchchpinda, while proceeding in the lift installed at Boiler No. 02 for maintenance work, met with a catastrophic accident when the lift collapsed from a height of approximately 44 meters. Four employees, namely Anjani Kumar Kanejia, Ravindra Ravi, Mishri Lal and Bablu Prasad Gupta, succumbed to their injuries during the course of treatment, while six others sustained grievous injuries and were admitted to the ICU. The magnitude of the incident, resulting in multiple fatalities and serious injuries within the premises of an industrial establishment, itself indicates serious lapses in adherence to safety standards.



- 8.** Learned State counsel submits that during preliminary enquiry it has emerged that the lift installed for boiler maintenance was not being regularly inspected, maintained, and supervised as mandated under the applicable safety norms. The responsibility for ensuring operational safety rested upon the company owners Dr. Andal Armugam and T.M. Singharvel, the plant management including Manager Sammukh Rao, Boiler and Turbine Head Kamlesh Agrawal, Safety Head Manoj Raut, Lift Engineer Krishna Gaurath, P.E.D.M., Maintenance In-charge Wesley Mani and other responsible officers. It is contended that the accident did not occur due to a mere mechanical failure in isolation, but due to systemic negligence, lack of proper oversight, and failure to enforce mandatory safety protocols within the plant premises.
- 9.** The State further submits that the gravity of the negligence is evident from the fact that ten workers were permitted to use the lift simultaneously for maintenance at a substantial height without adequate safeguards. The investigation is ongoing to ascertain whether safety devices were functional, whether load limits were exceeded, whether statutory inspections were duly conducted, and whether prior defects had been reported but ignored. At this stage, the materials collected prima facie disclose offences relating to causing death by negligence and causing grievous hurt by rash and negligent acts under the provisions of the Bharatiya Nyaya Sanhita, 2023.
- 10.** It is thus contended that the petition seeking quashment of the FIR is



premature and not maintainable at the threshold, as the allegations disclose cognizable offences requiring thorough investigation. Learned State counsel submits that the inherent jurisdiction of this Hon'ble Court ought not to be exercised to stifle a legitimate prosecution involving multiple deaths in an industrial accident of serious magnitude. Accordingly, it is prayed that the petition be dismissed.

11. We have heard learned counsel appearing for the parties and perused the documents annexed with the present petition.
12. From perusal of the FIR, it transpires that on 07.10.2025 at about 8:30 PM, ten employees of RKM Power Plant, Uchchpinda, while proceeding in a lift installed at Boiler No. 02 for maintenance work, met with a grave accident when the lift allegedly collapsed from a height of approximately 44 meters, resulting in the death of four employees and causing grievous injuries to six others. The FIR attributes the occurrence to the failure of the company management and officers concerned to regularly maintain, supervise and ensure the safe operation of the machinery and equipment installed at the plant premises. Specific allegations have been levelled against the persons responsible for the overall control and safety of the establishment, asserting negligence and lack of due care in the discharge of their duties.
13. At this stage, this Court is not required to conduct a meticulous appreciation of evidence or adjudicate upon the veracity of the allegations. The scope of jurisdiction in a petition under Section 482



CrPC / 528 Bharatiya Nagarik Suraksha Sanhita is limited to examining whether the FIR, on its face, discloses the commission of a cognizable offence or whether the criminal proceedings amount to abuse of process of law. The allegations contained in the FIR, taken at their face value and accepted in entirety for the limited purpose of this petition, prima facie disclose commission of offences relating to causing death and grievous injury by negligent acts in the course of industrial operations.

14. The contention of the petitioner that proceedings under the Factories Act have already been initiated and, therefore, the FIR deserves to be quashed, cannot be accepted at this nascent stage. The question as to whether the ingredients of the offences under the general penal law are made out independently of the statutory contraventions under the special enactment is a matter which requires investigation and, if necessary, adjudication at trial. It cannot be conclusively determined in proceedings invoking inherent jurisdiction without a full-fledged enquiry into facts. Merely because a statutory complaint under a special Act has been lodged does not ipso facto bar criminal prosecution under the penal law when the allegations disclose distinct and serious consequences in the form of multiple fatalities.
15. It is also evident that the investigation is at a preliminary stage. The authorities are required to collect material regarding maintenance records, safety compliance, inspection certificates, load capacity, supervisory mechanisms and the role of each officer in charge.



Interference at this stage would amount to stifling a legitimate investigation into a serious industrial accident involving loss of human lives.

- 16.** Considering the gravity of the incident, the nature of the allegations, and the settled parameters governing exercise of inherent powers, this Court is of the considered view that no case is made out for quashment of the FIR at the threshold. The pleas raised by the petitioner involve disputed questions of fact which cannot be adjudicated in these proceedings and are open to be raised before the competent forum at the appropriate stage.
- 17.** Accordingly, the present petition stands dismissed. It is, however, clarified that any observation made herein is only for the purpose of deciding the present petition and shall not influence the investigation or the trial in any manner.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice