



Crl.O.P.Nos.2480 & 2483 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.2480 & 2483 of 2024
& Crl.M.P.Nos.1780 & 1783 of 2024

Crl.O.P.No.2480 of 2024

R.Rasu.

... Petitioner/Accused-3

/versus/

1. State Rep. by,
Inspector of Police,
Pullambakkam Police Station,
Thiruvallur District.
(Crime No.1510/2020).

... 1st Respondent/Complainant

2. Dhamodhiran,
S/o.Nandhan,
No.143, Bajanai Kovil Street,
Punnappakkam Village,
Ikkadu Post,
Thiruvallur – 602 021.

... 2nd Respondent/defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C.,
pleaded to call for the records and quash the FIR in Crime No.1510 of 2020 on
the file of the 1st respondent police.

For Petitioner : Mr.G.Saravanabhavan

For R1 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

For R2 : Mr.Dhamodhiran, Party-in-person

Crl.O.P.No.2483 of 2024



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P.Iyappan.

... Petitioner/Accused-4

/versus/

1. State Rep. by,
Inspector of Police,
Pullarambakkam Police Station,
Thiruvallur District.
(Crime No.1510/2020).

... 1st Respondent/Complainant

2. Dhamodhiran,
S/o.Nandhan,
No.143, Bajanai Kovil Street,
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Thiruvallur – 602 021.

... 2nd Respondent/defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C.,
pleased to call for the records and quash the FIR in Crime No.1510 of 2020 on
the file of the 1st respondent police.

For Petitioner	: Mr.G.Saravanabhavan
For R1	: Mr.S.Udaya Kumar, Government Advocate (Crl.Side)
For R2	: Mr.Dhamodhiran, Party-in-person

COMMON ORDER

On 13.12.2020, Mr.Loganathan, III year, Law College student
while playing cricket along with his friend in a ground near Othikkadu Lake
sustained injury and was hit by a cork ball on his chest and succumb to injury.

The petitioners are the organizer of said the cricket match and therefore, case



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been registered against them for the offence under Section 304 of I.P.C.

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2. The petitioners are before this Court stating that in the match between Punnapakkam Cricket Club and Puthuvallur Cricket Club, Loganathan was hit by a cork ball and died.

3. Rasu who is the 3rd accused/petitioner in Crl.O.P.No.2480/2024 claims that he was not even present in the ground at the time of occurrence and he was writing his Grade-II Constable Selection test at Sri Ram Educational Institutions, Perumalpattu. Whereas, P.Iyappan who is the 4th accused/petitioner in Crl.O.P.No.2483 of 2024 claims that he is the organiser of the cricket match and he did not involved in the occurrence.

4. Reading of Section 87 of Indian Penal Court and the Principle of *volenti non fit injuria*, the petitioners claim that the allegation made in the F.I.R, even taken on the face value and accepted in entirety, they did not constitute any offence.

Section 304 of I.P.C for the petitioner facing trial, reads as below:-



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304. Punishment for culpable homicide not amounting to murder.-

Whoever commits culpable homicide not amounting to murder shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death, or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

5. The above provision can be invoked only if there is any overt act on the part of the accused.

6. Reading of the F.I.R in entirety indicates that the accusation against these petitioners is for organizing a match using cork ball. It is common in this part of the Country, youth play cricket using cork ball. Playing cricket using cork ball is not prohibited. While so, from the material, it is patently clear that in the course of game, the ball hit by one Meshak (Batsman) with his bat had hit Loganathan who was in the field. Unfortunately, the cork ball hit on his



chest, which led to his death. The deceased Loganathan has voluntarily participated in the match and got injured. Neither the batsman nor the organiser had intention to cause death or hurt to Loganathan. Therefore, Section 87 of I.P.C., exception squarely attracts to the case in hand.

7. For sake of clarity, illustration to Section 87 of I.P.C alone is extracted below which will fortify the above view of this Court.

“A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.”

8. The complainant who is the father of Loganathan present before this Court on notice. He submits that being a victim, he may be provided atleast with compensation.

9. Taking note of the submission, the complainant/Dhamodiran is directed to make a representation to the Secretary, District Legal Service Authority, Thiruvallur within a period of two months. On receipt of the



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representation, The Secretary, District Legal Service Authority, Thiruvallur,

explore the scheme available to provide compensation to the petitioner and shall forward his recommendation to the District Collector within a period of two months. On receipt of the recommendation, appropriate order to be passed by the District Collector, Thiruvallur, within a period of two months.

10. Accordingly, the Criminal Original Petitions are allowed. The complaint in F.I.R.No.1510 of 2020 on the file of the 1st respondent police is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

25.10.2024

Index : Yes/No

Neutral Citation : Yes/No

bsm

Note: Registry is directed to serve copy of this order to the complainant/N.Dhamodhiran at free of costs.

To,

1. The Inspector of Police, Pullambakkam Police Station, Thiruvallur District.
2. The Public Prosecutor, High Court, Madras.

Dr.G.JAYACHANDRAN, J.

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