



Crl.O.P.No.9163 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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1.C.Ramesh
2.Hemachandrasekar
3.B.Venugopal
4.B.Gopinath
5.V.K.Anandan
6.S.Sridhar
7.P.Kumaran

..... Petitioners

Vs

1.State rep.
Inspector of Police,
S7 Madipakkam Police Station,
Chennai – 600 117.

2. Balaji Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the criminal case in S.C.No.103 of 2022 pending on the file of the Principal District Judge, Chengalpattu and quash the criminal proceedings against the petitioners.

For Petitioner : Mr.R.Manickavel
For R1 : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

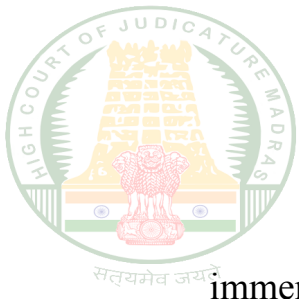
This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.103 of 2022 pending on the file of the Principal District Judge, Chengalpattu.

2. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.1373 of 2016 for the offences under Sections 143, 147, 447, 353 and 188 of IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, alleging that the accused damaged the lock and the gate of the public burial ground and cremated their deceased mother, in violation of the order passed by the local authorities, since the burial ground had already been declared closed for use.

3. After completion of the investigation, the first respondent filed a final report and the same has been taken cognizance by the Trial Court in S.C.No.103 of 2022.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent. Perused the materials available on record.

5. A perusal of the records reveals that from time



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immemorial the people living in the said area used to bury and cremate the dead bodies in the said burial ground situated at Bazaar Road, Madipakkam, Chennai. It is situated at Survey No.68/110, Madipakkam Village, Chennai, admeasuring 25 cents, which is now situated within the limits of Greater Chennai Corporation limit and is maintained by the Greater Chennai Corporation.

6. While being so, certain private persons claimed the burial ground as their owned property and filed a suit in O.S.No.1400 of 1997 on the file of the District Munsif Court, Alandur for declaration of title and injunction. The said suit was dismissed. Even then, the private persons attempted to enter the burial ground and also put up a compound wall, which was subsequently removed by the Chennai Corporation and also filed a writ petition before this Court in W.P.No.27298 of 2007. This Court, by an order dated 04.04.2012, relying on the District Collector's, Kancheepuram proceedings dated 28.07.1988, directed to remove the fencing of the burial ground and ordered that burials and cremation in the burial ground be discontinued. However, the said order was not complied with. Without knowing the said order, the petitioner had buried his deceased mother in the said burial ground. Therefore, the



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first respondent registered an FIR based on the complaint lodged by the second respondent.

7. Admittedly, the petitioner had no knowledge about the order passed by this Court directing the discontinuation of the burials in the said burial ground. Further, there was no restriction to bury the body in the disputed burial ground. In fact, the said order was not complied with by the Revenue Authorities.

8. In view of the above, the entire criminal proceedings is nothing but a clear abuse of process of law and is liable to be quashed. Accordingly, the proceedings in S.C.No.103 of 2022 pending on the file of the Principal District Judge, Chengalpattu, is hereby quashed. Accordingly, this Criminal Original Petition stands allowed.

27.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp
To
1. The Principal District Judge,
Chengalpattu.

2. The Inspector of Police,



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S7 Madipakkam Police Station,
Chennai – 600 117.

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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