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Crl.O.P.No.10345 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.10345 of 2025 and
Crl.M.P.No.6910 of 2025

T.Sivakumaran Alias T.Sivakumar

...Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
J-3, Guindy Police Station,
Adyar District.
Cr.No.849/2023.

2. Shankar

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to quash the First Information Report in Cr.No.849 of 2023 on the file of the respondent police for the alleged offence under Section 304 (ii) of IPC.

For Petitioner : Ms.S.Vaitheeswari

For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side) for R1

No Appearance for R2

ORDER



Crl.O.P.No.10345 of 2025

WEB COPY

This petition has been filed to quash the First Information Report in Crime No.849 of 2023 on the file of the first respondent police.

2 According to the petitioner, he is the proprietor of M/s.Green Tech Structural Construction and was entrusted as contractor to carry out secant piling and allied work, with M/s.Hinduja Leyland Finance Limited. After completing the work as per the contract, the petitioner handed over the site even one month prior to the occurrence. In fact, initially the FIR was registered only for man missing case and subsequently it was altered to Section 304(ii) IPC. The petitioner is no way connected with the death of the deceased and he was wrongly impleaded in this case. Therefore the FIR has to be quashed.

3 Learned Government Advocate (Crl.Side) for the first respondent police would submit that the petitioner is A3 in Cr.No.849 of 2023. It is true that initially the case was registered for man missing and subsequently the body of the deceased was found in the site, in which the



Crl.O.P.No.10345 of 2025

WEB COPY

petitioner carried out the works under the contract with M/s.Hinduja Leyland Finance Limited, and hence Section was altered to 304(ii) IPC. The petitioner paid compensation to the family of the deceased, which also evidence for the involvement of the petitioner.

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

5 It is seen that based on the complaint given by the father of the deceased the case in Cr.No.849 of 05.12.2023 was registered for man missing. Subsequently since the body of the deceased was found in the site, where the petitioner carried out construction works and based on the statement of the defacto complainant, who is the father of the deceased, section was altered to 304(ii) IPC and the petitioner herein was arrayed as accused.

6 It is the contention of the learned counsel for the petitioner that he handed over the site even one month prior to the



Crl.O.P.No.10345 of 2025

WEB COPY

occurrence and due to natural calamities, the deceased died and hence the petitioner is no way connected with the occurrence. Per contra, it is the submissions of the learned Government Advocate that the petitioner paid compensation to the family of the deceased and thereby he admitted his liability.

7 Even though as contended by the learned Government Advocate the petitioner paid compensation to the family of the deceased that can not be taken as a confession of the commission of the offence and it may be paid on the ground of humanity and sympathy. However, a perusal of the FIR and the Section alteration report shows that there exist *prima facie* allegations and the case cannot be quashed at this stage.

8 Therefore the first respondent police is directed to conduct fair and impartial investigation and file final report as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order.



CrI.O.P.No.10345 of 2025

9

With the above directions, this Criminal Original

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Petition stands dismissed. Consequently connected miscellaneous petition is closed.

04.06.2025

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Speaking /Non-speaking order

To

1. The Inspector of Police, J-3, Guindy Police Station, Adyar District.
2. The Public Prosecutor, Madras High Court.



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CrI.O.P.No.10345 of 2025

P.VELMURUGAN, J.

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CrI.O.P.No.10345 of 2025

04.06.2025