



Crl.O.P.No.26050 of 20253

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No. 26050 of 2025

and

Crl.M.P.Nos.17690 and 17694 of 2025

1. Kishore Chand Jain
 2. Ramesh Kumar Jain
 3. Deepak T Solanki
 4. Lalith Jain
- ... Petitioners

Vs.

1. The Inspector of Police,
Law & Order,
G-1, Vepery Police Station,
Vepery, Chennai – 600 007.
(Crime No.57 of 2020)
 2. Y.Chandra Sagar Sharma
- ... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the records in C.C.No.1101 of 2024, now pending on the file of the II Metropolitan Magistrate, Egmore, and quash the final report as against the petitioners.

For Petitioner : Mr.Haroon Al Rasheed
for M/s.Agam Legal
For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)
for R1



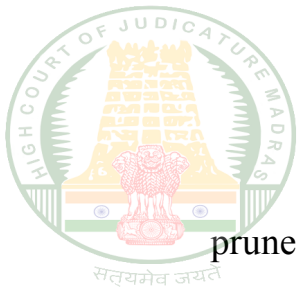
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ORDER

WEB COPY This Criminal Original Petition has been filed to quash the final report in C.C.No.1101 of 2024 pending on the file of the II Metropolitan Magistrate Court, Egmore as against the petitioners.

2. The petitioners herein, who are arrayed as A2 to A5 are facing charges for the offence under Section 304(A) IPC. The allegation against the petitioners in final report is that the petitioners herein are some of the flat owners in the Apartment in which, the deceased one Yuvaraj Sharma, who was working as security. On 21.02.2020, the deceased Yuvaraj Sharma was engaged and instructed by the petitioners and other Apartment owners to prune the tree branches, while that being so, when he tried to prune the tree branches from the nearby Church building, protruding over the apartment, fell down and succumbed to injuries.

3. On a perusal of the entire records, it is seen that except one witness, who is said to be the eye witness, there are no other witnesses. Even the so called eye witness Thangadurai, who is working as a security in the opposite building, does not whisper anything about these petitioners, who are said to have engaged or instructed the deceased to



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prune the tree branches. The petitioners being the flat owners of the said apartment have not engaged the deceased to prune the trees and the deceased has acted based on the instructions of some other flat owners. When he tried to prune the tree branches, he fell down from 30 feet height and succumbed to injuries.

4. As a matter of fact, to prosecute the persons for the offence under Section 304(A) IPC, there must be some materials to show that such persons have acted in a rash or negligent manner, which resulted in death which does not amount to culpable homicide. As a matter of fact, in the present case, unfortunately the said accident had taken place and merely because the petitioners are the owners of the neighbouring flats in the same apartment, they cannot be prosecuted. *Prima facie* there is no material to show that these petitioners have instructed the deceased to prune the trees. There can be no inference about negligence or rashness to attract Section 304(A) IPC. Hence, I do not find any materials against the petitioners to sustain the charges. This Court has already quashed the proceedings as against A6 *vide* order dated 29.10.2024 in Crl.O.P.No.21735 of 2024.



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5. Considering the above, the entire prosecution cannot be sustained as against the petitioners and final report as against the petitioners is liable to be quashed.

6. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.1101 of 2024 on the file of the II Metropolitan Magistrate Court, Egmore, Chennai, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

23.09.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
Law & Order,
G-1, Vepery Police Station,
Vepery, Chennai – 600 007.
3. The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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