



Crl.O.P.No.30014 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30014 of 2025 and
Crl.M.P.Nos.20447 and 20448 of 2025

Elangovan

... Petitioner

Vs.

State rep. By its
Sub-Inspector of Police
Periyapalayam Police Station
Thiruvallur District
(Crime No.162 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S.
to call for the records in FIR in Crime No.162 of 2025, on the file of the
Sub-Inspector of Police, Periyapalayam Police Station, Thiruvallur District
and quash the same.

For Petitioner : Mr.K.Manickavasagam



WEB COPY



Crl.O.P.No.30014 of 2025

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



Crl.O.P.No.30014 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the FIR in Crime No.162 of 2025, for the offences under Sections 189(2) and 223(a) of the BNS, 2023 (Sections 143 and 188 of IPC), on the file of the Sub-Inspector of Police, Periyapalayam Police Station, Thiruvallur District.

2. The case of the prosecution, as per the complaint given by one Mr.Vigneshwar, Sub Inspector of Police, Periyapalayam Police Station, is that one Rose Reddy, aged 70 years, died due to health related issues. The petitioner, along with 13 other persons, refused to perform the funeral rites of the deceased at Velagapuram Village in Survey No.101/13B, (total extend 0.08.0 ares) and Patta No.1135 which stands in the name of the former President A.Ramesh's brother Sampath S/o.Elumalai, and kept the body of the deceased in the middle of the road and caused disturbance to the public. Hence, the FIR in Crime No.162 of 2025 came to be registered against the petitioner and others.



Crl.O.P.No.30014 of 2025

3. Learned counsel appearing for the petitioner would submit that during the assembly of the petitioner and others, there was no prohibitory order under Section 30(2) of the Police Act, 1861 and no untoward incident or violence occurred; in such circumstances, the respondent has no power to *suo motu* register the case. Further, according to the learned counsel, the facts of the case are similar to the case in ***Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District [2018 2 LW (Crl) 606]*** and ***Sri Raja vs. Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others in (Crl.O.P. (MD) No.7922 of 2019 decided on 30.08.2019)***. He would further submit that the above decisions, would apply on all fours to the instant case.

4. Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioner and others had kept the body of the deceased in the middle of the road thereby causing disturbance to the public. However, he would fairly submit that there was no violence or untoward incident and nobody was injured in the said incident and would endorse the



Crl.O.P.No.30014 of 2025

above said submission of the learned counsel for the petitioner.

WEB COPY

5. Heard the learned counsel and perused the materials available on record.

6. In the judgment in **Jeevanandham**, *supra*, it has been held that the police has no right to file a case under Sections 143 and 188 of IPC (Sections 189 and 223 of the BNS, 2023). Further, there was no violence or untoward incident and nobody was injured in the said incident. In such circumstances, the respondent has no right to register the case and to investigate the matter.

7. In view of the above, this Court is of the opinion that no useful purpose will be served by keeping the proceedings pending.

8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in Crime No.162 of 2025, pending on file of the Respondent

5/9



Crl.O.P.No.30014 of 2025

Police, is hereby quashed against the petitioner. Consequently, the

connected Miscellaneous Petitions are closed.

14.11.2025

ksa-2

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

Note: Issue order copy on 02.12.2025.



Crl.O.P.No.30014 of 2025

WEB COPY

To

1. The Sub-Inspector of Police
Periyapalayam Police Station
Thiruvallur District

2. The Public Prosecutor
High Court of Madras



WEB COPY



Crl.O.P.No.30014 of 2025

A.D.JAGADISH CHANDIRA J.

ksa-2

Crl.O.P.No.30014 of 2025



WEB COPY



Crl.O.P.No.30014 of 2025

14.11.2025