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CRL OP No. 26989 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 26989 of 2025
and CRL.MP.Nos.18462 and 18465 of 2025**

1. Venkatesan (A1)
2. Thirunavukarasu (A2)
3. C.Vasudevan (A3)
4. S.Palani (A5)
5. Saravanan Raji Naidu (A4)

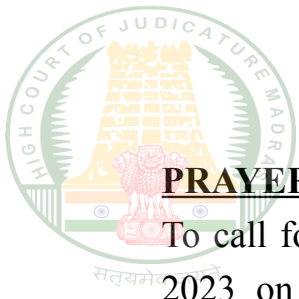
Petitioner(s)

Vs

1. The State Rep. by
The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur.

2.R.Hemavathi,
Inspector of Police,
Town Police Station Tirupattur,
Tirupattur District.

Respondent(s)



PRAYER

To call for the records relating to the impugned proceedings in C.C.No.192 of 2023 on the file of the learned Judicial Magistrate Court No.1, Tirupattur District and quash the same.

For Petitioner(s): Mr.R.C.Paul Kanagaraj

For Respondent(s): Mr.R.Vinothraja,
Govt. Advocate (Crl. Side)

ORDER

This petition has been filed to quash the proceedings in C.C.No.192 of 2023 pending on the file of the learned Judicial Magistrate Court No.1, Tirupattur District for the offence under Sections 147, 294(b), 186, 353, 506(2) of IPC r/w 4 of TNWH Act.

2. The crux of the charge against the petitioner is that when the Secretary of a Political Party was murdered, the body was straight away taken to the burial ground after post-mortem in an ambulance. The members of the Political Party, namely accused, objected the same and abused the Police Inspector and ambulance driver and therefore, they have been charged for the said offence.

3. The learned counsel for the petitioner would submit that since the dead body was taken to the burial ground directly without being sent to the home for



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last rites, the members of the political party objected the same and made emotional abuse but no harm was caused to the Police. Therefore, even the offence under Section 95 of IPC was not made out.

4. The learned Government Advocate (Crl. Side) would submit that the dead body was taken to the burial ground at the instructions of his relatives, which was objected by the accused herein and they also made a threat and caused intimidation to the Police officials and ambulance driver.

5. I have heard both sides and perused the materials available on record.

6. The statement of the Police indicates that the accused have threatened and abused them. The entire allegations clearly indicate that the dead body was straight away taken to the burial ground without taking to the house of the deceased to conduct last rites, which was objected by the members with emotional outburst. Though the official witness stated that there was abuse, but the independent witness, namely, ambulance driver did not speak about causing



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harm to the Police officials. Though he has stated that he was abused, the fact remains that the entire occurrence took place in emotional outburst since the dead body was directly taken to burial ground without allowing to conduct last rites in the deceased house. Therefore, even assuming that the abuse made by the accused constitute an offence, the harm is so light.

7. In such view of the matter, this Court is of the view that if the entire abuse is taken, it will not constitute an offence and it is a clear case of emotional outburst. Therefore, continuing the prosecution will not serve any purpose. Hence, the proceedings in C.C.No.192 of 2023 pending on the file of the learned Judicial Magistrate Court No.1, Tirupattur District is quashed. Accordingly, this petition is allowed. Consequently, connected miscellaneous petitions are closed.

07-10-2025

pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur.



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N.SATHISH KUMAR J.

pvs

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