



WEB COPY

CRL OP No. 28272 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 16-10-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR**

**CRL OP No. 28272 of 2025**

Bevin Thomas @ Bevin Thomas Chellam Kasthuri Bai  
S/o.Chellam,  
No.19-13, Varuvilai Palliyadi, Vallavachakoshtham,  
Kalkulam, Palliyadi, Kanniyakumari District.

Petitioner(s)

Vs

1. The State Rep by,  
The Inspector of Police,  
Manimangalam Police Station,  
Tambaram District. Cr.No.27/2025.

2.Narayan Hemram  
S/o.Biswa Hemram, Kuchuighata,  
Birbhum, West Bengal-731 201.

Respondent(s)

**PRAYER**

This Criminal Original Petition filed under Section 528 of BNSS to call for the records from the 1st respondent police in Cr.No.27/2025 and to quash the same in so far as the petitioner is concerned and thus render justice.



For Petitioner(s): Mr. R.Thirumoorthy

For Respondent(s): Mr.R.Vinothraja,  
Govt. Advocate,(crl.side)  
For R1

### **ORDER**

Challenging the First Information Report filed under Section 105 of the BNS, the present Criminal Original Petition has been filed.

2. The crux of the allegation in the FIR is that while the deceased was engaged in construction work at a building site, he fell down and succumbed to the injuries sustained. Therefore, the FIR has been registered on the ground that the adequate safety materials had not been properly provided. Except for this allegation, no other specific averment has been made in the FIR.

3. The Very allegation, on its face, indicates that it was a clear case of accident. Whether such an accident would attract the ingredients of rashness and negligence alone has to be considered. However, FIR has been registered for the offence of culpable homicide.



4. This Court is of the view that only when a person causes death by doing an act with an intention of causing death, or with the knowledge that such an act is likely to cause death, can the the offence of culpable homicide be said to be made out.

5. Therefore, the mere accidental fall at the site cannot, by itself, constitute the offence of culpable homicide. The investigation agency may, at the most, ascertain whether there was any rash or negligent act on the part of the petitioner warranting further proceedings.

6. With the above observation, this Criminal Original Petition is disposed of.

**16-10-2025**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

mrp



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**N.SATHISH KUMAR J.**

mrp

**To**

The Inspector of Police,  
Manimangalam Police Station,  
Tambaram District. Cr.No.27/2025.

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