



Crl.O.P.(MD)No.17147 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17147 of 2025

and

Crl.M.P.(MD).No.13982 of 2025

D.Kandhasamy

... Petitioner/1st Accused

Vs.

1.The State of Tamilnadu,
Rep. by the Deputy Superintendent of Police,
Bye Pass Road, Thiruverumbur,
Thuvakudi, Tamil Nadu-620 014.

2.The State of Tamilnadu,
Rep. by the Inspector of Police,
Thiruverumbur Police Station,
Trichy.

3.Prasath

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to FIR in Crime No.884 of 2025 on the file of Thiruverumbur Police Station, Trichy and quash the same.

For Petitioner : Mr.B.Natarajan

For R-1 & R-2 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

This petition has been filed to quash the impugned FIR in Crime No.884 of 2025 on the file of Thiruverumbur Police Station, Trichy, for the offences punishable under Section 106(1) of BNS, 2023.

2. The allegation in the impugned FIR is that the petitioner was working as Manager in Subaya Constructions Company Limited; that on 22.09.2025, the petitioner had employed two persons for manual scavenging; that the said persons had entered into a manhole and died inside the manhole; and that therefore, the petitioner is liable for the said offence.

3. The learned counsel for the petitioner would submit that the defacto complainant, in order to escape his liability, has lodged the false complaint and the said complaint is attended with malafides. He would further submit that even as early as on 20.02.2025, the petitioner had written a letter to the Trichy Corporation stating that they will not be able to work on the cleaning of the debris and that based on the direction of the Trichy Corporation, they are handing over the sewerage network plans in all zones to take further action; that the photographs taken at the spot would show that the manual scavengers were infact engaged by the Corporation; that another contractor, by name,



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M/s.Shah Technical Consultant Private Limited, who was in-charge of the construction management and supervision consulting services for this scheme, had made it clear that the Trichy Corporation was responsible for the death.

4. The learned Additional Public Prosecutor, per contra, would submit that the complaint was lodged recently; that at this stage, it would not be possible to decide whether the petitioner is liable or the Corporation Officials are liable for the said incident; and that the points raised by the petitioner are factual in nature and it cannot be adjudicated in a quash petition challenging the FIR.

5. This Court cannot adjudicate the factual disputes at this stage. However, the respondents are directed to consider the documents produced by the petitioner in a fair manner and ascertain whether the petitioner was engaged for cleaning of the manholes or it was done by the Trichy Corporation Officials. If the petitioner is not involved and the documents relied upon by them are genuine and true, it is needless to say that the respondents shall not prosecute the petitioner.



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6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

14.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Indu/ars

To

- 1.The Deputy Superintendent of Police,
Bye Pass Road, Thiruverumbur,
Thuvakudi, Tamil Nadu-620 014.
- 2.The Inspector of Police,
Thiruverumbur Police Station,
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu/ars

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