



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 4962 of 2026

and

Crl.M.P.No.3626 of 2026

1. Eswaramoorthi  
S/o.Kirshnamoorthi,  
No.1/190, Mela Street,  
Melapalaiyur, Virudachalam Taluk,  
Cuddalore District - 606 110.
2. Devi  
W/o.Kirshnamoorthi,  
No.1/190, Mela Street,  
Melapalaiyur, Virudachalam Taluk,  
Cuddalore District - 606 110.

..Petitioner(s)

Vs

The State Rep By Its,  
The Sub Inspector of Police,  
Karuvepilankuruchi Police Station,  
Cuddalore District

..Respondent(s)

**PRAYER:** The criminal original petition filed under Section 482 of Cr.P.C.1973 r/w Section 528 of BNSS 2024, to call for the records and quash the further proceedings in STC.No.2209/2025 pending on the file of Learned Judicial Magistrate Court No.II, Viruthachalam.

For Petitioner(s): Mr.P.Muthamizhselvakumar

For Respondent(s): Mr.LEONARD ARUL JOSEPH SELVAM  
Additional Public Prosecutor



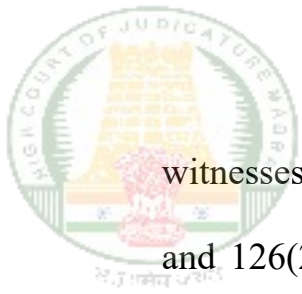
WEB COPY



## ORDER

The petitioners/A1 and A2 in S.T.C.No.2209 of 2025 filed this quash petition.

2.The case of the prosecution is that on 24.08.2025 at about 7.30 p.m. the Sub Inspector of Police, Karuveppilangurichi received a complaint that at about 7.00 p.m, due to road accident, there was a death and the relatives of the deceased person namely A.Rajamurthy, Karuveppilangurichi to Devangudi main Road, opposite the land of one Mani Udayar, indulged to road Roko. On receiving the information, Sub Inspector Mr.K.Santhoshkumar, Head Constable Mr.R.Rajkumar, and Grade -I Constable, Mr.J.Manibalan, rushed to the place and saw the body of the deceased Rajamoorthy was kept in the middle of the road and his brother Eswaramoorthi and his friends Varunkumar and Vishwa and some more people assembled together and demanded closure of TASMACH shop on their apprehension that the person, who caused accident and caused the death of Rajamoorthy, was in drunken stage, hence, 11 two wheeler vehicles were parking in the middle of the road, thereby, causing obstruction to the traffic. Despite request and warning, they failed to dispose. Thereafter, a case in crime No.219 of 2025 registered for offences under Sections 189(2) and 126(2) BNS. Thereafter, the respondent took up investigation, examining five



witnesses, filed a charge sheet on 05.11.2025 for offence under Sections 189 (2) and 126(2) BNS against the petitioners and two others namely Varun Kumar and Vishwa.

3.The contention of the petitioners is that the first petitioner is younger brother and second petitioner is mother of deceased Rajamoorthy. On getting news about the fatality of Rajamoorthy in road accident, they rushed to the spot and found the deceased was severally injured and his face was smashed. On enquiry, they found that the person, who caused accident, just come out from TASMACH shop, on the bike in a rash and negligent manner. On hearing this, got agitated, the petitioners, family members, friends and villagers of the deceased Rajamoorthy, shown their protest. Earlier also, there was objection by the villagers to shift the TASMACH situated near the main road. It took some time to be shifted the body to the hospital, against which, caused further agony, they shown their protest, which had been projected as though they caused an road ruckus and obstructed the traffic.

4.In this case, listed five witnesses are all police personnel and no public gave a complaint that their movement was affected and they were not allowed to proceed further. In this case, though 11 vehicle numbers were listed in the charge sheet, there is no material collected to show that those vehicles belong to the petitioners or who are the owners of the vehicles. None of them have been



projected as owners. Just on mere assumption and also to show the power of the police, the case was registered, since the petitioners only expressed their anguish and pain over the sudden death of a youngster aged about 23 years, who was in the budding stage of his life and career, which was snapped away due to an accident. According to the petitioners, the accident occurred on account of drunken driving consequent to the opening of a TASMAC shop on the main road. The first petitioner is a Diploma holder in EEE and is applying for jobs. Due to pendency of the above case, he is unable to secure any job. The second petitioner is a rustic villager and she had only shown her grief over the loss of her son. Other accused in this case are friends of the deceased.

5. The learned Additional Public Prosecutor submitted that the petitioners along with two others had caused a road roko due to the death of Rajamoorthy. It was a road accident. Even the person, who caused accident and other person who rode on the vehicle, were also injured. The petitioners failed to understand the explanation given by the police, they and their villagers assembled and obstructed the traffic by squatting on the road and also parking 11 two wheelers. The public servants were not permitted to discharge an official duty, therefore, FIR registered, investigation completed and charge sheet filed listing five witnesses and collecting documents.



6. Considering the submissions and on perusal of the materials available on record, it is seen that the case projected against the petitioners is that they squatted on the road, caused road roko and parked 11 vehicles given in the FIR. From the charge sheet, it is seen that no public examined to show that there was any obstruction to traffic. Further, the owners of the vehicles details not collected during investigation. In this case, a slipshod manner of investigation conducted and charge sheet filed. Admittedly, brother of the first petitioner and son of the second petitioner died in a road accident and due to severe impact of accident, his face could not be identified. Such was the impact of the accident, it is natural reaction for the family members to express their grief and anguish over the sudden death. Other two accused in this case are friends of the deceased. Though 11 vehicles were involved, the owners names not disclosed and only four persons shown as accused. Who are the other persons, investigation has not been done. In this case, no public lodged any complaint that traffic obstructed. Just showing of resistance would not amount to obstructing public servants in the discharge of their official duties. On going through the uncontroverted statement of witnesses and materials, this Court finds that there is no case made out against the petitioners.



7. In view of the above, this Court quashes the proceedings against the petitioners. Though the other two accused have not filed any quash petition, they are also on similar lines, hence, the same is extended to them. This case cannot be quoted against the petitioners in any manner while seeking for any higher studies or employment.

8. Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

**03-03-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

sms

To

1. Judicial Magistrate Court No.II,  
Viruthachalam.
2. The Sub Inspector of Police,  
Karuvepilankuruchi Police Station,  
Cuddalore District.
3. The Public Prosecutor  
High Court, Madras.



WEB COPY

CRL OP No. 4962 of 2



**M.NIRMAL KUMAR, J.**

sms

**CRL OP No. 4962 of 2026**

**03-03-2026**