

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.14413 of 2015

and M.P. No.1 of 2015

1.S.Manivannan
2.M.Swapna
3.Kalyani

.. Petitioners

Vs

1.State by
Inspector of Police,
N3, Muthiyalpet Police Station,
Chennai.

2.Jackulin .. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records and quash the First Information
Report filed in N3.Cr.No.37 of 2015 on the file of the respondent
Police, pending investigation.

For Petitioners :Mr.V.Sambamurthy
For Respondents :Mr.C.Emalias [R1]
Additional Public Prosecutor

ORDER सत्यमेव जयते

This Criminal Original Petition has been filed praying quash the
First Information Report filed in N3.Cr.No.37 of 2015 on the file of
the respondent Police, pending investigation.

2. Heard the learned counsel for the petitioners and the learned
Additional Public Prosecutor appearing for the first respondent.

3. It is the case of the prosecution that one Jackulin committed
suicide by self-immolation on 14.01.2015, in connection with which
the respondent Police registered the case in N3.Cr.No.37 of 2015
under Sections 294(b), 306 IPC., against (1)Manivannan, (2) Swapna,
(3) Kalyani. The FIR in this case has been registered based on the

dying declaration given by the deceased Jackulin herself to the Police, while she was taking treatment in the Government Hospital, Kilpauk.

4. On reading of the statement of Jackulin, she has stated that there was money dispute between her neighbour Manivannan's family and herself and that Manivannan and his family members were asserting that a sum of Rs.60,000/- is due to them. While so, on 14.01.2015 at 9.30 a.m., Manivannan, his wife Swapna and his mother Kalyani came to the house of Jackulin and abused her for not repaying the debts. Unable to withstand the taunts, Jackulin attempted to commit suicide by self-immolation around 11.00 a.m., on 14.01.2015, after the accused had left. She was taken to the hospital, there she gave statement and later she succumbed to the injuries.

5. It is admitted case that the family of the deceased and the family of the accused belonged to the same community and they are related. At the intervention of elders, the parties appear to have arrived at a compromise and hence they have come forward for quashing the FIR.

6. The respondent Police have filed a counter objecting to the quashing of FIR. This Court carefully considered the rival submissions.

7. On a reading of the dying declaration given by Jackulin, which has been treated as the First Information Report, the minimum ingredients for abetement of suicide is not there. According to her, the accused abused her and fought with her, on account of money dispute and unable to withstand their taunts, she committed suicide.

8. The accused have not done any overt act as required under Section 107 of IPC. Be that as it may, Lawrence, the husband of the deceased Jackulin is present in the Court and he was identified by Mr.Stephen Vinod, Sub Inspector of Police, N3, Muthialpet Police Station.

9. Lawrence has filed an affidavit before this Court, in which he has stated that after death of his wife, at the instance of relatives and others, they have arrived at compromise and that he has no objection in the FIR against the accused being quashed.

10. In view of the settlement arrived at between the parties, this Court is of the view that no purpose will be served, if the prosecution against the petitioners proceeds further.

11. In the result, this Criminal Original Petition is allowed and

the FIR is hereby quashed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

ds

To

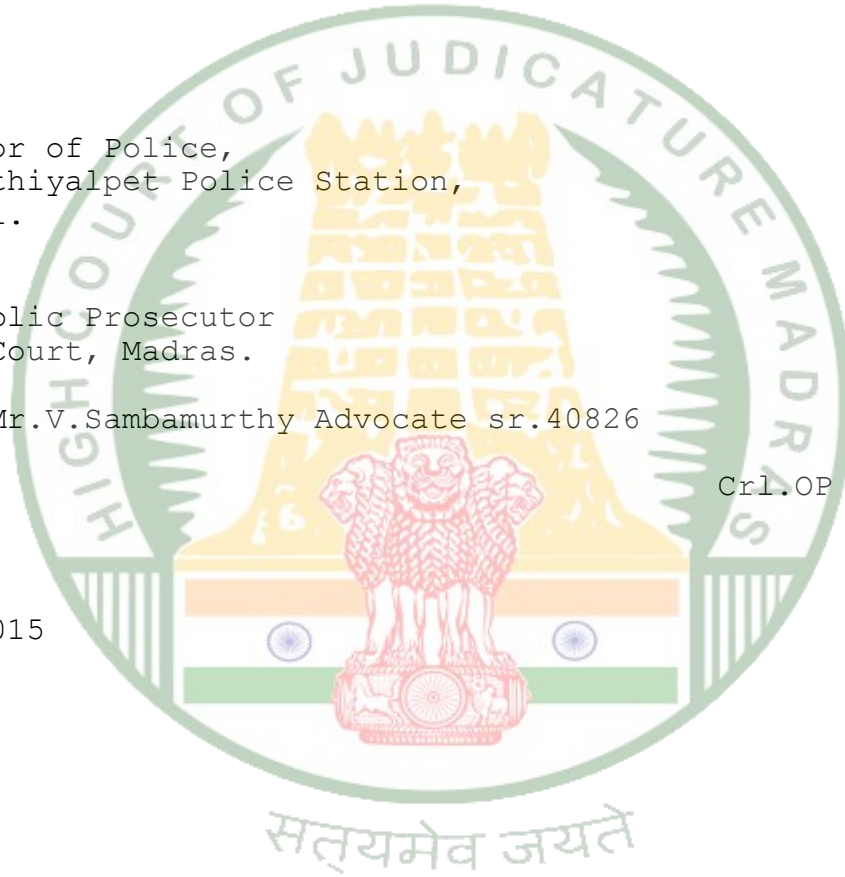
1. Inspector of Police,
N3, Muthiyalpet Police Station,
Chennai.

2. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.V.Sambamurthy Advocate sr.40826

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gj (co)
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