

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Cr1.O.P. No. 2735 of 2015

and

M.P.No.1 of 2015

1.Masilamani
2.Paranthaman

... Petitioners

vs.

The State rep.by
Deputy Superintendent of Police,
Sethiyathope Sub Division,
Cuddalore District.
(Crime No.296 of 2013 on
the file of the Kattumannakoil
PoliceStation)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the case in P.R.C.No.6 of 2014 on the file of the District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District and quash the same as far as the petitioners are concerned.

For Petitioner : Mr.G.Pugazhenth
For Respondent : Mr. M. Maharaja,
Additional Public Prosecutor

O R D E R

The petitioners are A.2 and A.3 in P.R.C.No.6 of 2014 on the file of the District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District.

2. A case has been registered in Crime No.296 of 2013 under section 174(3)Cr.P.C., and after investigation, charge sheet was laid against the petitioners and A.1 for offences under Section 498A, 304B of the IPC r/w section 4 of D.P.Act.

3. It is submitted by the learned counsel for the petitioner that the petitioners are father and brother of the first accused and even according to the statement of the witnesses, on 26.10.2013, the petitioners went to the house of the deceased and demanded dowry and thereafter, on 2.11.2013, the deceased committed suicide and to

attract section 304B of the IPC, the deceased must have been subjected to cruelty and harassment by her husband or by any relative of her husband soon before her death. As the death was taken place on 2.11.2013 and the alleged dowry demand was made on 26.10.2013, it cannot be stated that the demand made on 26.10.2013, was soon before the death of the deceased and therefore, no case has been made out for offence under Section 304B of the IPC.

4. I am unable to accept the contention of the learned counsel for the petitioners. It is seen from the statement of the witnesses that on 26.10.2013, the petitioners went to the house of the deceased and demanded Rs.50,000/- for celebrating the marriage of the sister of A.1. LW Thiruvassamoorthy, the father of the deceased during investigation stated that the deceased told him that the petitioners herein came to her house on 26.10.2013 and demanded Rs.50,000/-. PW.2 Tamizharasi, mother of the deceased also corroborated the same in her statement given during investigation. Whether alleged demand of dowry made on 26.10.2013 can be construed as a reason for committing suicide within the meaning of section 304B of the IPC has to be considered by the learned trial Judge and in the quash petition, the same cannot be considered by this Court.

5. Hence, the petition is dismissed and it is for the trial Court to consider whether the demand made on 26.10.2013 by the petitioners can be construed as a reason for committing suicide by the deceased within meaning of phrase "soon before the death" as found in Section 304B of the IPC.

6. With the above observation, the petition is dismissed. The connected Miscellaneous Petition is also dismissed.

asvm

s/d-

Assistant Registrar(CS-III)

Dt:5/3/2015

True Copy

Sub-Assistant Registrar

To

1.The District Munsif cum Judicial Magistrate,
Kattumannarkoil, Cuddalore District.

2.Deputy Superintendent of Police,
Sethiyathope Sub Division,
Cuddalore District.
(Crime No.296 of 2013 on
the file of the Kattumannarkoil
Police Station)

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.G.Pugazhenthii Advocate, SR 10466

ts(co)
prk6/3

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and
M.P.No.1 of 2015



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