

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Cr1.O.P.No.12503 of 2014

and

M.P.No.1 of 2014

Juliet ... Petitioner/Accused.

Vs.

State rep.by

The Inspector of Police,
G-1, Vepery Police Station,
Chennai-600 007.

...Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records relating to the Criminal proceedings made in S.C.No.363 of 2013 in Crime No.274 of 2013 on the file of the learned Sessions Judge, Mahila Court, Chennai, and quash the same.

For Petitioner : Mr.B.Ganesha Moorthy
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition to quash the proceedings made in S.C.No.363 of 2013 on the file of the learned Sessions Judge, Mahila Court, Chennai.

2. The learned counsel appearing for the petitioner submitted that on the basis of the complaint given by one Devi, a case has been registered for an offence punishable under Section 306 IPC. After investigation, final report has been filed. He further submitted that the petitioner, who is the accused in this case and the daughter of the defacto complainant are the tenants under one Thilaga, who is the landlady. The petitioner was residing at the opposite house of the deceased Jayachithra. The petitioner has reported to her landlady Thilaga about missing of her cellphone and suspected Jayachithra. When the landlady questioned Jayachithra about the cellphone, she denied the same. But, the accused again and again alleged to have scolded Jayachithra, which led her to commit suicide. On that basis, a case has been registered.

3. The learned counsel appearing for the petitioner further submitted that merely because suspecting the deceased for missing of cellphone will not amount to abetment of commission of suicide and the ingredients required under Section 107 IPC leading to Section 306 IPC, are not made out by the prosecution. To substantiate the same, the learned counsel appearing for the petitioner relied upon the decision of this Court made in (2010) 1 MLJ (Cr1) 34, N.Anjali Devi and another v. State by Superintendent of Police, Villupuram and another, wherein it was held that abusive words said to have been uttered to the deceased girl by the petitioners/teachers, when they had come to know that the deceased had stolen money from the bag of Anganvadi teachers cannot be said that the petitioners had in any way instigated the deceased to commit suicide. Hence, he prays for quashing the charge sheet filed under Section 306 IPC.

4. Resisting the same, the learned Additional Public Prosecutor appearing for the respondent submitted that the abovesaid decision is not applicable to the facts of the present case. In this case, the accused has scolded the deceased Jayachithra about the missing of cell phone and when it was questioned by the landlady, the deceased committed suicide. So, the above said case is not applicable to the facts of this case.

5. In the complaint dated 22.03.2013, it has been specifically mentioned that for the past 5 days, the petitioner had continuously scolded the deceased Jayachithra since she is residing in the opposite house and so, the deceased Jayachithra committed suicide. He further submitted that she has already filed a discharge petition in Cr1.M.P.No.14534 of 2013, which was dismissed by this Court, against which she has preferred a revision petition in Cr1.RC.No.322 of 2014, which was also dismissed as withdrawn. So, prima facie the ingredients of Section 306 and 107 IPC are made out.

6. Considering the rival submissions made on both sides, and on perusal of the typed set of papers, the admitted facts are that the petitioner and the deceased Jayachithra are the tenants under one Thilaga and both are residing in the opposite house. It is also admitted fact that the petitioner's cellphone was missing, which has been intimated to the landlady Thilaga. The landlady also questioned Jayachithra and the deceased replied that she has not committed any theft. After that, for continuously 5 days, the petitioner has scolded her then and there and hence, she committed suicide by hanging. Immediately, a complaint has been given and a case has been registered under Section 306 IPC. After investigation, charge sheet has been filed. Before framing of charges, she filed a discharge petition, which was dismissed and then, it was posted for framing of charges. Thereafter, the petitioner preferred a revision and subsequently, it was dismissed as withdrawn. While

so, now she has come forward with this petition to quash the Criminal proceedings made in S.C.No.363 of 2013 in Crime No.274 of 2013 on the file of the learned Sessions Judge, Mahila Court, Chennai. Thus, the intention of the petitioner was only to drag on the proceedings.

7. The question that has to be decided in the quash petition is whether there is any prima facie material available for framing of charges or not a fit case for conviction?

On perusal of the complaint dated 22.03.2013 and 161(3) CrPC statements would prima facie show that the ingredients of the offence under Section 306 IPC has been made out. Further, it is appropriate to consider the decision relied upon by the learned counsel appearing for the petitioner reported in (2010) 1 MLJ (Cr1) 34, N.Anjali Devi and another v. State by Superintendent of Police, Villupuram and another, wherein it was held that the abusive words said to have been uttered to the deceased girl by the petitioners/teachers, when they came to know that the deceased has stolen money from the bag of Anganvadi teacher, would not amount to instigation or abetment on the part of the petitioner and hence, it was quashed.

8. In the instant case, the deceased was a married woman, who is the tenant and residing in the opposite house of the petitioner herein. Merely because the petitioner's cellphone has been missing, she intimated the same to the landlady Thilaga and she also questioned the deceased Jayachithra. After that, continuously for 5 days, the petitioner is said to have scolded the deceased Jayachithra, which led to commitment of suicide by hanging.

9. In these circumstances, whether the words uttered by the petitioner had led to committing of suicide by the deceased Jayachithra has to be decided only after letting in oral and documentary evidence? Hence the abovesaid decision is not applicable to the facts of this case. So, I do not find any merits in this petition and it deserves to be dismissed. Accordingly, this Criminal Original Petition is dismissed.

10. Further, as per the Status Report received from the learned Sessions Judge, Mahila Court, Chennai, charges are yet to be framed. Hence, the trial Court is directed to frame the charges in S.C.No.363 of 2013 and dispose of the same within a period of four months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

mps

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

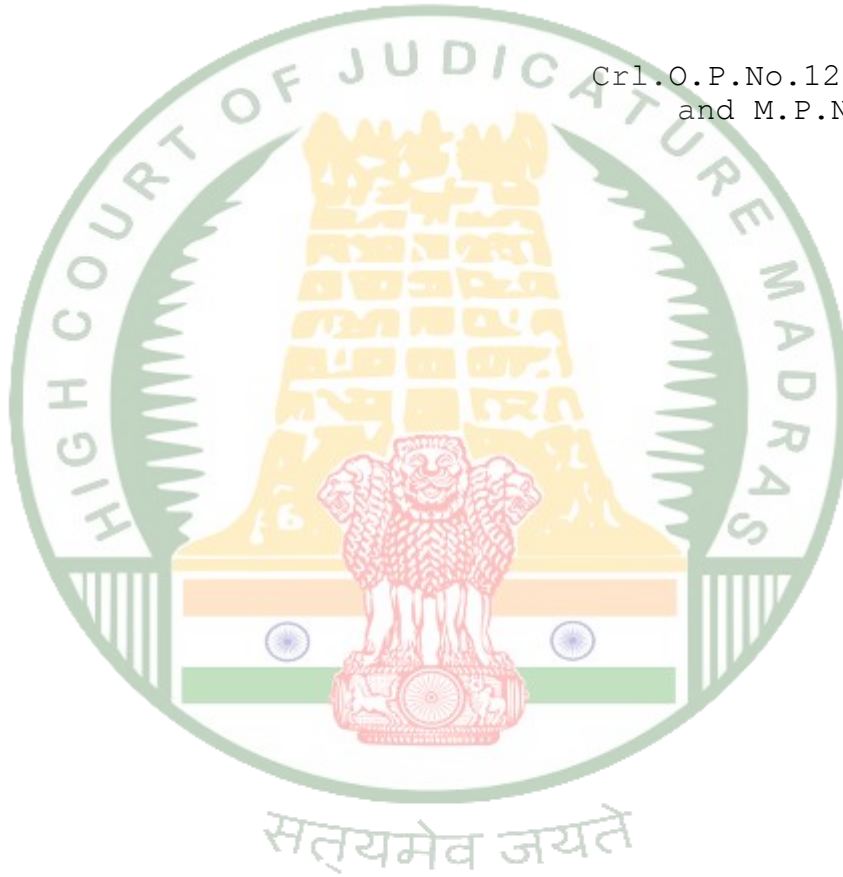
1.The Inspector of Police,
G-1, Vepery Police Station,
Chennai-600 007.

2.The Public Prosecutor,
Madras High Court,
Madras.

+ 1 cc to M/s.B.Ganeshamoorthy, Advocate SR 10526

sai(co)
prk29/3

Cr1.O.P.No.12503 of 2014
and M.P.No.1 of 2014



WEB COPY