

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.21919 of 2016

and M.P.No.10165 of 2016

N.Manogaran

...Petitioner

vs.

State Rep.by
Inspector of Police,
Nettapakkam Police Station
Pondicherry

...Respondent

Criminal Original Petition filed under Section 482 of
Cr.P.C., pleaded

a) to call for records in C.C.No.80 of 2013 on the file of
Judicial Magistrate - I, Puducherry and quash.

b) and grant such other equitable relief that may deem fit
and necessary in the circumstances of the case and in the
interest of the justice.

For Petitioner : Mr.P.S.Ganesh

For Respondent : Mr.Thangavel,

Additional Public Prosecutor (P)

सत्यमेव जयते
O R D E R

This petition has been filed

a) to call for records in C.C.No.80 of 2013 on the file of
Judicial Magistrate - I, Puducherry and quash.

b) and grant such other equitable relief that may deem fit
and necessary in the circumstances of the case and in the
interest of the justice.

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

3. One Madasamy committed suicide on 04.09.2011 in connection with which initially a case was registered in u/s.174 Cr.P.C. and thereafter it was altered to one u/s.306 IPC and after completing the investigation the respondent police filed a final report against the petitioner herein for offence u/s.306 IPC and one Vadivelu challenging which Manogaran the petitioner is before this Court. Learned counsel for the petitioner Mr.P.S.Ganesh, submitted that, except the suicide note that is alleged to have been left by Madasamy, there are no other materials implicating Manogaran in this case. He also submitted that, Kala wife of Madasamy has given three police statements which are contradictory to each other, which only shows that, Manogaran has been falsely implicated in this case.

4. Learned counsel produced a copy of the suicide note for perusal of this Court. As stated above on the death of Madasamy initially respondent police registered the case u/s.174 Cr.P.C. At that time Kala has given a different statement wherein she has stated that Madasamy had borrowed money from one Vadivelu and when Vadivelu started demanding money, he consumed poison and committed suicide. At that juncture the suicide note was not available with the police. Only thereafter the police seized the suicide note a reading of which implicates Manogaran as the person who had assaulted Madasamy after taking him to a punchayath nearby.

5. Learned counsel Mr.Ganesh, appearing for the petitioner submitted that, relied upon the judgment of Supreme Court in Mahe Singh and another Vs. State of Madhya Pradesh 1995 Supp (3) Supreme Court Cases 731 wherein the Supreme Court had acquitted the accused on the ground that, suicide note does not inspire the confidence of this Court. In the said case after the accused were convicted in a regular trial, they were acquitted by the Supreme Court after appreciation of evidence. In this case, the prosecution cannot be quashed at the threshold by giving a finding that the suicide note does not inspire the confidence of this Court. Learned Counsel also submitted that, for attracting 306 IPC there must have been abetment by the accused as set out in section 107 IPC which is absent in this case. This Court has no quarrel with the proposition of law submitted by the learned counsel for the petitioner.

6. However, when the suicide note implicates the petitioner it will be too premature for this court to decide in a quash petition as to whether the harassment meted out by the petitioner to the deceased had driven him to such an extent of suicide. These facts have to be determined only during regular trial and not in a quash application.

7. In the result, this petition is devoid of merits and the same is dismissed. Consequently Miscellaneous Petitions are also closed. Trial Court is directed to proceed with the matter expeditiously.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dpq
To

1. Inspector of Police,
Nettapakkam Police Station
Pondicherry

2. The Judicial Magistrate No. I
Puducherry

3. -do- The Chief Judicial Magistrate
Puducherry

4. The Public Prosecutor
High Court, Madras.

+1 cc to Mr. P.S. Ganesh Advocate sr 55355

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