

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.27316 of 2010

and

MP.Nos.1 & 2 of 2010

1. Thiru.Christopher @ G.Krishnakumar
2. Smt.Anuradha ...Petitioners
Vs.

1. The State rep. by
The Inspector of Police
S12 Chitlapakkam Police Station
Dist. St.Thomas Mount, Chennai-600 042.
2. Thiru.A.Rajini
3. Tmt.Padmini ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call records in connection with the proceedings in C.C.No.916 of 2010 before the Hon'ble Judicial Magistrate Court at Tambaram, vide FIR in Cr.No.364/2010, U/Sec.324 IPC on file of S.12 Chitlapakkam Police Station, Dist. St.Thomas Mt, Chennai and quash the same.

For Petitioners : Mr.R.Dakshinamurthy
For R1 : Mr.C. Emalias
Addl. Public Prosecutor
R2 : Served
R3 : Unserved (Deceased)

O R D E R

This criminal original petition has been filed to call for the records in connection with the proceedings in C.C.No.916 of 2010 before the Judicial Magistrate Court at Tambaram, vide FIR in Cr.No.364/2010, u/sec.324 IPC on file of S.12 Chitlapakkam Police Station, Dist. St.Thomas Mt, Chennai and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. On the complaint lodged by Rajini the brother of Padmini, the first respondent police registered a case in Crime No.364 of 2010 on 10.06.2010 and after completing the investigation, filed a final report in C.C.No.916 of 2010 before the Judicial

Magistrate Court, Tambaram for offences under Sections 323 & 324 IPC against Christopher and Anuradha, challenging which, the accused are before this Court.

4. As stated in the complaint given by Rajini, the brother of Padmini, his sister Padmini was mentally disabled and he had taken her to Kilpauk Mental Hospital on 08.06.2010 for treatment. While Padmini was under treatment in Kilpauk Mental Hospital, Rajini stayed there to take care of his sister and the hospital staff there suggested to Rajini that he can take his sister Padmini and admit her in a private home by name "Ashramam", that is run by one Anuradha (A2) near Tambaram.

5. Accordingly, Rajini admitted his sister Padmini in the home for the mentally challenged by name "Ashramam" that is run by Anuradha on 09.06.2010 and left her there. It is stated by Rajini that he again went to Ashramam on 10.06.2010 around 3.00 p.m. and he found that his sister Padmini was tied with an iron chain and some injuries were found on her body. It is alleged by Rajini that his sister Padmini was assaulted by one Anuradha, the Proprietor of the Ashramam and her employee Christopher. Hence the FIR.

6. Learned counsel appearing for the accused submitted that Padmini had propensity to commit suicide and was frequently attempting to strangulate herself and only in order to avoid that the accused had to take certain precautionary measures. He denied the allegation that Padmini was chained.

7. Learned Additional Public Prosecutor submitted that there are injuries found on the body of Padmini and therefore, the prosecution cannot be quashed.

8. This Court gave its anxious consideration to the rival submissions.

9. Even according to the prosecution, Padmini was not of sound mental health. She was taken for treatment to the Kilpauk Mental Hospital and from there, Rajini admitted her in the Ashramam run by the petitioners. Padmini was examined by the Assistant Medical Officer, Government Hospital, Tambaram and during the investigation, the following injuries were found:

"Injuries:

1. Contain in (R) hand
 2. Linear abrasion & continue in (L) shoulder
 3. Abrasion in the Nose
 4. Abrasion in (r) Cheek
 5. Contusion in both legs
- The would No.1, 2, 3, 4, and 5 found to be simple injury"

10. On a perusal of the wound certificate, this Court is able to see that the injuries are simple in nature and that Padmini was treated as an out patient. The nature of the injuries supports the case of the petitioners that they had to take minimum precaution to prevent Padmini from committing suicide, on account of which, the alleged injuries had occasioned. Even in the police statement of Padmini, she has stated that she was refusing to take medicine and therefore, the petitioners were forcibly administering the medicines. This statement vindicates the stand of the petitioners. That apart, even according to Rajini, he admitted Padmini on 09.06.2010 and on the very next day when he went to home, he saw his sister with injuries. Anuradha explained to Rajini that if Padmini had not been forcibly administered the medicine, she would have committed suicide. Despite this, Rajini failed to understand the true situations but rushed to the police to lodge complaint.

11. In the light of the above, the prosecution of the petitioners is an abuse of process of law and accordingly, this petition is allowed and the proceedings in C.C.No.916 of 2010 are hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police
S12 Chitlapakkam Police Station
St.Thomas Mount, Chennai-600 042.

2. The Public Prosecutor, High Court, Madras.

gm(co)
krd 23/11

Cr1.O.P.No.27316 of 2010

WEB COPY