

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 15.07.2016

DELIVERED ON: 21.07.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.2624 of 2016 and Crl.M.P. Nos.1375 and 1376 of 2016

M. Praveena

Petitioner/1st Accused

vs.

1 The State represented by
the Inspector of Police
Guduvancery D-3 Police Station
Kancheepuram District 602 302 Respondent/complainant

2 Rajeswari

Respondents

(R2 in impleaded as per the
order of this court dated 6.4.16
in Crl.MP.No.3873/2016)

Criminal Original Petition filed under Section 482, Cr.P.C.
to call for the records in SC/40/2015 pending before the Chief
Judicial Magistrate, Chengalpet and quash the further
proceedings against the petitioner wife.

For petitioner Mr. Sa. Sarangabani

For R1

Mr. C. Emalias

Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for
the records in S.C. No.40/2015 pending before the Chief Judicial
Magistrate, Chengalpet and quash the further proceedings against
the petitioner.

2 Praveena (A1) is the wife of the deceased Moorthy and
she is facing prosecution along with her mother Vasantha (A2)
and brother Anandaraj (A3) for offence under Section 306 IPC in
S.C. No.40 of 2015 before the Chief Judicial Magistrate,
Chengalpet, challenging which, Praveena (A1) is before this

Court, alleging that the prosecution is an abuse of process of law.

3 Heard Mr. Sarangapani, learned counsel for the petitioner and Mr. C. Emalias, learned Additional Public Prosecutor appearing for the first respondent.

4 The learned counsel for Praveena (A1) made a compassionate appeal to this Court by submitting that Moorthy committed suicide because he was in debts and that he was having some problem in his office and not on account of cruelty allegedly inflicted on him by Praveena (A1). The learned counsel submitted that since his employer does not want to pay compensation, this case has been engineered as if Moorthy died because of his wife and her relatives. He also submitted that an offence under Section 306 IPC cannot be made out against a wife because Section 498-A IPC can apply only to a woman and not to a man.

5 Per contra, the Investigating Officer has filed a status report detailing the investigation conducted by him and defending the final report.

6 This Court gave its anxious consideration to the submission made on either side.

7 It may be relevant to extract the final report verbatim:

"One Moorthy (since deceased) is an unfortunate husband of A1, A2 is the mother in law of Moorthy. A3 is the brother in law of Moorthy. The untold agony between the spouses is their failure to have children. A1 to A3 compelled persuaded and mounted pressure on Moorthy to alienate the house in Ambur stood in the name of Moorthy in favour of A1. This made Moorthy to alienate the house in Ambur stood in the name of Moorthy in favour of A1. This made Moorthy much depressed and he was in doldrums. The said Moorthy purchased an apartment in his name at Sownthiriya Garden, G.R. Foundation, Priya Nagar in Urappakkam to the tune 27 lakhs. A1 did not spare the apartment and tortured Moorthy to transfer the same in her name and favour Moorthy declined to do it.

On 09.10.2013, on or before 16.30 hours, in Plot No.E, Sownthiriya Garden, G.R. Foundation, Priya Nagar in Urappakkam in his

apartment committed suicide by hanging himself in a fan by means of nylon rope. The accused No.1 to 3 abetted the commission of said suicide by torturing the Moorthy in order to transfer properties in the name of A1. The said Moorthy left a suicide note denoting the greed of A1 to A3 for the ephemeral property and hence A1 to A3 appear to have committed offence punishable u/s 306 IPC. Hence the charge."

8 It is also seen that Moorthy has left a suicide note, a copy of which was produced by the learned Additional Public Prosecutor. On a reading of it, it is indeed heartrending. It is prima facie clear that on account of greed, Praveena (A1), Vasantha (A2) and Anandaraj (A3) have tormented Moorthy to such an extent that he was forced to take the extreme step. In fact, in Crl.O.P. No.15876 of 2015, that was filed by Vasantha (A2) and Anandaraj (A3) to quash the prosecution against them in S.C. No.40 of 2015, this Court had gone into the materials and has dismissed the Crl.O.P. on 20.07.2015. A different view cannot be taken in this Criminal Original Petition, in the light of the overwhelming materials incriminating against the petitioner herein in the offence.

In the result, this Criminal Original Petition is dismissed as being devoid of merits. Connected Crl.M.P.s are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cad
To

- 1 The Inspector of Police
Guduvancery D-3 Police Station
Kancheepuram District 602 302
- 2 The Chief Judicial Magistrate
Chengalpet
- 3 The Public Prosecutor
High Court, Madras

Crl.O.P. No.2624 of 2016

aa27/07/2016