



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 26.02.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No. 3339 of 2016

WEB COPY

1.C.Muthukumar

2.Valli

3.M.Sekar

4.Minor Jegan

(4th petitioner is minor

rep.by his natural guardian

Muthukumar)

... Petitioners/A1 to A4

Vs.

1.State through by
the Sub Inspector of Police,
Kottampatti Police Station,
Madurai District

(Crime No. 11 of 2016)

..1st Respondent/Complainant

2.S.Subbulakshmi

..2nd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records in Crime No. 11 of 2016 on the file of the first respondent police and quash the same.

For Petitioners : Mr.C.Asaithambi

For R1

: Mrs.S.Prabha

Government Advocate(Crl.side)

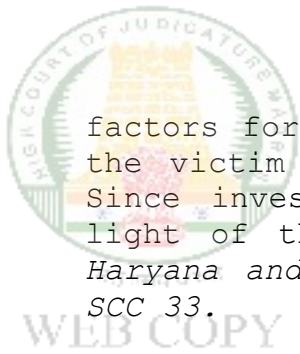
O R D E R

This petition has been filed under Section 482 of Cr.P.C to quash the case in Crime No. 11 of 2016 on the file of the first respondent police.

2.Heard learned counsel for the petitioner and learned Government Advocate for the first respondent and perused the materials placed on record.

3.It is seen that one Pandeewari, the daughter of the defacto complainant attempted to commit suicide on 07.01.2016 by inducing herself in kerosene. She was admitted in Uma hospital, Singampunari from where she was shifted to Kennet Hospital, Madurai, by the defacto complainant. It is alleged by the defacto complainant that she was informed by her daughter Pandeewari that the accused subjected her to harassment and therefore, she attempted to commit suicide.

4. The learned counsel for the petitioners submitted that the complaint in this case has been given four days after the occurrence and further, the complaint has been given as purely hearsay. In the considered opinion of this Court, the delay in lodging the complaint and the contention that the complaint is hearsay should not be relevant



factors for quashing the FIR especially in the case of this nature where the victim was undergoing treatment for burn injuries in the hospital. Since investigation is at infant stage, FIR cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in 1992 Supp (1) SCC 33.

5. The Deputy Superintendent of Police, Madurai District, is directed to monitor the investigation in Crime No. 11 of 2016 on the file of the first respondent police.

6. If it is found that the said Pandeewari had suffered burn injuries by cooking, it is needless to say that the prosecution case against the petitioners would be closed.

7. With the above observation, this Criminal Original Petition is closed. Consequently, connected M.P is also closed.

Sd/-
Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police, Madurai District.
2. The Sub Inspector of Police,
Kottampatti Police Station, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.C.Asaitambi, Advocate, SR No.11365

CRL.OP.(MD) No.3339 of 2016
26.02.2016

CM
SH/SKS-RR:10.03.2016:2P/5C