

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1350 of 2012

and

M.P.No.1 of 2012

Murugan

S/o.R.Natarajan

... Petitioner/Accused

vs

State represented by

The Inspector of Police,

S-6, Shankar Nagar Police Station,

Pammal, Chennai - 600 075. ... Respondent/Complainant

Criminal Revision filed under section 397 and 401 of the Code of Criminal Procedure against the order of learned Mahila Judge, Chengalpattu, passed in C.M.P.No.115 of 2012 in S.C.No.117 of 2011 on 10.10.2012.

For Petitioner : Mr.N.R.Elango, senior counsel
for Mr.M.Babu Muthu Meeran

For Respondent : Mr.V.Arul
Additional Public Prosecutor

ORDER

This revision arises against the order of learned Mahila Judge, Chengalpattu, passed in C.M.P.No.115 of 2012 in S.C.No.117 of 2011 on 10.10.2012.

2. Prosecution case is that the deceased, a widow having two children, had illicit intimacy with the petitioner and insisted that he marry her. Petitioner refused, resulting in the deceased committing suicide by hanging on 23.12.2009. On the complaint of mother of the deceased, a case was registered in Crime No.904 of 2009 on the file of respondent u/s.174 Cr.P.C. and subsequently, altered to offence u/s.306 IPC. Upon completion of investigation and filing of charge sheet, the case is pending trial in S.C.No.117 of 2011 on the file of learned Mahila Judge, Chengalpattu. Petitioner moved C.M.P.No.115 of 2012 in S.C.No.117 of 2011 seeking discharge, which came to be dismissed under the impugned order. Hence, this revision.

3. Heard learned senior counsel for petitioner and learned Additional Public Prosecutor.

4. Learned senior counsel for petitioner submitted that prosecution case was founded on a mere parrot like repetition in the 161(3) Cr.P.C. statements of LWs.1 to 6, LWs.1 and 2 being parents of deceased and LWs.3 to 6 being their friends. The accusation is that petitioner visited the house of the parents of the deceased wherein she was residing and in the course of an argument, he had stated that only upon her death he would be at peace and as a result of such statement, deceased had resorted to suicide by hanging. Learned senior counsel submitted that even taking such statement to be true, no offence u/s.306 IPC would stand attracted. Learned senior counsel relied on the judgment of the Apex Court in Sanju alias Sanjay Singh Sengar v. State of M.P. [2002 SCC (Cri) 1141].

5. Heard learned Additional Public Prosecutor on the above submissions.

This Court finds merit in the submission of learned senior counsel for petitioner. Following the rationale of the judgment of the Apex Court in Sanju alias Sanjay Singh Sengar v. State of M.P. [2002 SCC (Cri) 1141], this Court allows this revision. The order of learned Mahila Judge, Chengalpattu, passed in C.M.P.No.115 of 2012 in S.C.No.117 of 2011 on 10.10.2012, is set aside. Petitioner shall stand discharged in the case.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

gm

To

1.The Mahila Judge,
Chengalpattu.

2.The Inspector of Police,
S-6, Shankar Nagar Police Station,
Pammal, Chennai - 600 075.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Babu Muthu Meeran, Advocate SR.No.65524

NRI (CO)
GN (28/11/2017)



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