

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 16.08.2017****CORAM:****THE HONOURABLE MR. JUSTICE M.S.RAMESH**

Crl.O.P.No.22804 of 2015
and
M.P.No.1 of 2015

R.Shanthi

...

Petitioner

Vs.

The State rep. By its:

1. The Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.
(Crime No.90/2015).

2.M.Perumal

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Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records in Crime No.90 of 2015 on the file of
the respondent police and quash the same.

For Petitioner : Mr.A.S.Thambusamy

For Respondents : Mr.P.Govindarajan
Additional Public Prosecutor.

For R1

Mr.C.Prakasam,

For R2

ORDER

This petition is filed to call for the records in Crime No.90 of
2015 on the file of the respondent police and quash the same.

2. Heard Mr.A.S.Thambusamy, learned counsel for the petitioner, Mr.P.Govindarajan, learned Additional Public Prosecutor appearing on behalf of the first respondent and Mr.C.Prakasam, learned counsel appearing for the second respondent.

3. The learned counsel for the petitioner raised various grounds and submitted that Section 306 IPC has not been made out in the absence of positive overtact on the part of the petitioner for instigation and abetment. The learned counsel relying upon the judgment of the Hon'ble Supreme court submitted that merely because a person had a grudge against his superior officer and committed suicide on account of the grudge, it may not be an appropriate allegation for implicating the petitioner for an offence under Section 306 IPC.

4. The learned Additional Public Prosecutor on the other hand controverted the argument of the learned counsel for the petitioner and submitted that there was sufficient materials to show that there was abetment and instigation for the purpose of proceeding against the petitioner under Section 306 IPC. The

learned Additional Public Prosecutor further submitted that the investigation is almost at the verge of completion and in view of the pendency of the present petition, the respondent had not filed the charge sheet.

5. Mr.C.Prakasam, the learned counsel appearing for the second respondent also reiterated the submissions made by the learned Additional Public Prosecutor.

6. In my view, the grounds raised by the learned counsel for the petitioner are pre-mature, since the matter is still under investigation. The question of abetment or instigation has to be established on the basis of statements and other evidences and it would not be appropriate for this Court to quash the investigation at this stage.

7. In view of the fact that the learned Additional Public Prosecutor has submitted that the investigation is at the verge of completion, it would be appropriate to fix the time limit for the purpose of filing the charge sheet.

M.S.RAMESH.J,

mrp

8. In the result, the Criminal Original Petition stands dismissed. The first respondent is directed to complete the investigation within a period of 2 weeks from the date of receipt of a copy of this order and file necessary charge sheet/final report before the concerned jurisdictional Magistrate. Consequently, connected miscellaneous petition is closed.

16.08.2017

Index:Yes/No
mrp

To

1.The Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.22804 of 2015