

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 04.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**Cr1.O.P. (MD) .No.10207 of 2017****and****Cr1.M.P. (MD) .No.6978 of 2017**

1.T.Sundarapandiyan

2.Thyagarajan

... Petitioners/Accused Nos.1 & 2

Vs.

1. State represented by,
The Sub Inspector of Police,
Melur Police Station,
Melur, Madurai District.
(Crime No.993 of 2016)

... 1st Respondent/Complainant

2. Muthirulandi

... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crime No.993 of 2016, pending on the file of Melur Police Station, Madurai District and to quash the same.

For Petitioners : Mr.S.Dhanagopal.

For Respondent No.1 : Mr.K.Anbarasan

Government Advocate (Cr1.Side)

ORDER

This petition is filed to quash the proceedings in Crime No.993 of 2016, pending on the file of Melur Police Station, Madurai District.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Cr1.Side) appearing for the first respondent and perused the records.

3. The learned counsel for the petitioners submitted that the first petitioner is the first accused and the husband of the deceased, namely one Jagadeeswari.



4. On the basis of the complaint given by the father of the deceased, a case was registered in Crime No.993 of 2016, for the offence under Section 174 of IPC. It is not in dispute that the deceased committed suicide and no serious allegations were made by the father-in-law of the petitioner. After enquiry the case was registered under Section 306 of IPC., stating that the deceased was harassed and thereby induced to commit suicide. This is challenged by the first petitioner only on two grounds; the first ground is that he was not in the house at the time of occurrence; secondly the complaint against the petitioners is a false one. The first ground is not relevant and the second ground cannot be considered at this stage.

5. Having regard to the statement of facts found in the First Information Report and in the alteration report, this Court is fully convinced that only on the materials and evidence collected by the respondent police, the case was registered under Section 306 of IPC and some of the contentions of the petitioners can be proved at the time of trial as those contentious issues are matters for evidence.

6. In such circumstances, this Court is not inclined to quash the proceedings in Crime No.993 of 2016 and hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Inspector of Police,
Melur Police Station,
Melur, Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.10207 of 2017
04.08.2017

PJL