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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.01.2017

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Cr1.O.P.(MD)No.10766 of 2016

and

Cr1.M.P(MD)No.5299 of 2016

N.Tamilarasan

:Petitioner/Sole Accused

-vs-

1.The State represented by
The Inspector of Police,
Ezhumalai Police Station,
Madurai District.

:1st Respondent/Complainant

2.Ganesan

:2nd Respondent/ De-facto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records of the First Information Report in Crime No.49 of 2015 on the file of the 1st respondent Police Station and quash the same as illegal.

For Petitioner : Mr.S.Paulswamy

For 1st Respondent : Mr.A.P.Balasubramani

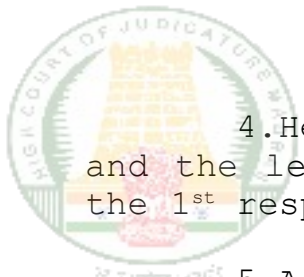
Government Advocate (Criminal side)

O R D E R

This petition has been filed to call for the entire records of the First Information Report in Crime No.49 of 2015 on the file of the 1st respondent Police Station and to quash the same as illegal.

2.The learned counsel appearing for the petitioner would submit that the petitioner was selected in the army and entered the Indian Army Training on 18th March 2015 and completed it on 30th September 2015 and during the training period, the petitioner was not allowed to use cell phones or other electronic devices as per Army Training Rules and Regulations and that the present case has been registered against the petitioner, based on the complaint given by the father of deceased Indhumathi, in order to escape from the criminal liability. Hence, he prayed that the FIR filed against the petitioner has to be quashed.

3.Per contra, the learned Government Advocate (Criminal side) appearing for the first respondent would submit that the petition filed by the petitioner is not at all maintainable in law and the reasons stated by the petitioner to quash the FIR is not a valid ground. Hence, he prayed for the dismissal of the petition.



4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the 1st respondent and perused the materials available on record.

5. A plain reading of the FIR shows that the petitioner demanded Rs.5,00,000/- and 13 sovereigns of gold jewels through phone to give the same to his aunt daughter for marriage and due to the harassment made by the petitioner, the deceased Indumathi committed suicide on 20.04.2015.

6. The main contention of the petitioner is that he was under training between 18.04.2015 and 30.09.2015 and during that period, he was not allowed to use the cell phones and other electronic devices as per the Army Training Rules and Regulations. Admittedly, before 18th April 2015, the petitioner was not placed under Training. According to the prosecution, the petitioner had demanded Rs.5 Lakhs and 13 sovereigns even prior to 20.04.2015. Further, the petitioner has not produced any material to show that he has no contact with the deceased Indumathi during the training period. Hence, this court is of the considered view that *prima facie* materials available against the petitioner and hence, the relief sought for the petitioner cannot be granted.

7. In the result, this petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

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Sub Assistant Registrar

To

1. The Inspector of Police,
Ezhumalai Police Station,
Madurai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to MR.R.KARUNANIDHI, ADVOCATE, SR NO:4069

er

sva/mr/vb/31.01.2017/2p/4c

Cr1.O.P. (MD) No.10766 of 2016
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