

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

DATED: 12.07.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN**Cr1.R.C(MD) .No.367 of 2015**

Parameswaran

... Petitioner/Petitioner

-Vs-

The State, represented by
The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(Crime No.164 of 2014)

... Respondent/Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 and 482 of the Code of Criminal Procedure, praying this Court to set aside the order passed by the learned Judicial Magistrate, Rajapalayam in Cr.M.P.No.1520 of 2015 in Cr.No.164 of 2014 dated 30.5.2015 on the file of the respondent-Police.

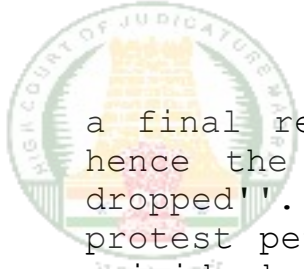
For Petitioner : M/s.A.K.Manickam.

For Respondent : Mr.C.Mayil vahana Rajendran,
Addl. Public Prosecutor (Cr1. Side).

O R D E R

Challenging the order refusing to accept the protest petition, the present revision has been filed.

2.The Petitioner is the de-facto complainant in crime No.164 of 2014 Registered under Section 174 of Cr.P.C. The above complaint has been given on the ground that the deceased in this case MuthuRamachandran, who is the son of de-facto complainant working in a Ration Shop in Nallamanaickenpatti village and on 27.8.2014 at about 8.30 a.m, he went to the shop and at about 10.30 a.m., the Petitioner received a phone call that the deceased has poured kerosene and set fire on him. Immediately, he rushed to the shop and found him in a totally burned condition. When he questioned the deceased, he told him that he himself set fire on him. Thereafter, he took him to the Sivakasi Government Hospital where he succumbed to injuries at 7.25 p.m. Based on the complaint given by the petitioner, a case was registered under Section 174 of Cr.P.C., and after investigation, the respondent-Police filed



a final report holding that the deceased has committed suicide, hence the respondent Police filed a final report as 'action dropped'. Challenging the final report, the Petitioner filed a protest petition on the ground that the Petitioner did not commit suicide but murdered by the co-employee in the ration shop. The court below dismissed the above application stating that there is no material available to show that it is a homicidal death and in the complaint itself, the Petitioner has stated that it is a suicidal death. In his complaint, he has stated that the deceased has committed suicide and the very same statement was given before the doctor, when the deceased was admitted in the hospital. Hence the Court below find that there is no merit in the protest petition and dismissed the same. Now challenging the same, the present revision has been filed.

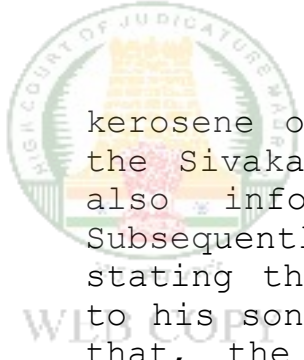
3.I have heard Mr.A.K.Manickam, learned counsel for the Petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent/Police.

4.The learned counsel for the Petitioner submitted that the respondent Police obtained some signature in the blank papers and using the same created First Information Report and subsequently 161 Cr.P.C statement was also not recorded and the statement was not given by the Petitioner but they have created the statements and based on the said statements, the complaint was closed.

5.Per contra, the learned Additional Public Prosecutor submitted that the petitioner apart from the complaint, the Petitioner himself has admitted the deceased in the Sivakasi Government Hospital, wherein he has stated that the deceased committed suicide and thereafter he himself has given statement under Section 161 Cr.P.C., stating that they have arranged for marriage for their son against his wish, and hence committed suicide. Apart from that, there is no material on record creating suspicion for homicidal death. The court below considering the above aspects, dismissed the protest petition stating that there is no illegality or irregularity in the final report filed by the respondent Police.

6.I have heard the rival submissions made on either side and considered the materials on record.

7.In the instant case, the Petitioner is the de-facto complainant. In the complainant, he has stated that he arranged for marriage for his deceased son against his wish and the deceased was not willing to marry the girl arranged by them. Therefore the deceased was in a depressed mood for some time. On the date of occurrence, he received a phone call informing him that his son has committed suicide, therefore, he rushed to the ration shop where he was working and found his son in a burned condition, when questioned him, he told him that he only poured



kerosene on him and thereafter, the Petitioner took his son to the Sivakasi Government Hospital and admitted him where he has also informed the doctor that he has committed suicide. Subsequently during investigation also, he has given a statement stating that only because the Petitioner arranged for a marriage to his son against his wish, he has committed suicide. Apart from that, the respondent-police also recorded statement of various witness including his mother, and she has also stated the same. The other witness who are related to the Petitioner also stated that he has committed suicide since he is not willing to marry the girl arranged by his parents. Absolutely there is no material available to show that it is a homicidal death. In the above circumstances, the contention of the petitioner that the respondent police had obtained signatures in blank papers and using the same only complaint has been prepared, cannot be considered, since other witnesses also stated that the Petitioner has committed suicide. Therefore this Court finds no illegality or irregularity in the order of the Court below dismissing the protest petition and thus the revision fails.

8. Accordingly, the Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Rajapalayam.
2. The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. A.K.MANICKAM, Advocate, SR.No.64844.

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