

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.6110 of 2018

1.Adaikalaraja
2.Jayaseelan
3.Liyoni

... Petitioners

vs.

1.The Inspector of Police
Villupuram West Police Station
Villupuram, Villupuram District.

2.Ramya

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Cr.No.914 of 2017 on the file of Villupuram West Police Station and quash the same insofar as the petitioners are concerned.

For petitioners: Mr.S.Arumugam

For R1 : Mrs.Kritika Kamal, P.
Government Advocate [Crl.Side]

O R D E R

This petition has been filed to call for the records in Cr.No.914 of 2017 on the file of the Villupuram West Police Station and quash the same, insofar as the petitioners are concerned.

2. The deceased Arunkumar was in the services of Adaikalaraja [A1], who was into finance business. On 04.12.2017, Arunkumar committed suicide by hanging in Room No.201, Ananda Lodge, Villupuram. On the complaint lodged by Ramya, the widow of Arunkumar, the Villupuram West Police registered a case in Cr.No.914 of 2017 under Section 174 Cr.P.C. During the course of investigation, the police recovered empty liquor bottles from the said room. The police also recovered the mobile phone of Arunkumar and a suicide note written in Tamil. On the strength of the suicide note, the case was altered into one under Section 306 IPC and the police arrested Jayaseelan [A2] and Arokyaraj [A4]. While so, Adaikalaraja [A1], Jayaseelan [A2] and Liyoni [A3] have filed the present quash application.

3. On the directions of this Court, Mr.Kamaraj, Inspector of Police, Villupuram West Police Station and Ramya, the widow of Arunkumar are present.

4. Ramya has filed an affidavit dated 19.06.2019, wherein, she has stated as follows:

"The petitioners are innocence, my husband was employed as a collection agent of the 1st petitioner of the company. My husband was utilized the company's amount. The 1st petitioner's demanded the collection amount from my husband. Hence my husband left out from house on 30.11.2017 and switched off his mobile phone. Thereafter, my husband was committed suicide at Villupuram on 04.12.2017.

I further submits that, they are no way connected of my husband's death. The 1st petitioner, performed our marriage, between me and my husband Arunkumar on 07.06.2015. The 2nd petitioner who was working with my husband of the company of the 1st petitioner. Myself and my husband were the God father and god mother of the Baptism of the 2nd petitioner's children. The 2nd petitioner was treated as a one of the our family member.

One Saravan who is my sister's husband. He had with the assistant of Government employees has been acting as agent and canvassing to secure job in the Governments. He was cheated many more person to obtained the job in Governments Saravanan was demanded money from my husband and for repay the creditors amount. My sister and her husband and his family have been in bad financial position. They are trying to exhort the money from the 1st petitioner by making false allegation against the petitioners. The petitioners are very innocent. They have not abetment of commit suicide of my husband. And they no were connected said offence, I pressure that my sister's husband Saravanan would have been response for the cause of the death of my husband. And he is very highly influenced person in political level.

The said Saravanan instigated to me lodge a false against against the petitioners before the 1st respondent police. But now way connected the petitioners on the death of my husband. Saravanan is the only person responsible for commit suicide of my husband's death.

I state that, the above said offence u/s 306 IPC is not compoundable, but myself and

the petitioners are entered into an amicable settlement with the above said matter is liable to quash."

5. Under normal circumstances, this Court will not quash a prosecution under Section 306 IPC, just because the parties have arrived at a compromise. Therefore, this Court called for the case diary and carefully perused the suicide note. In the suicide note, Arunkumar has stated that he was working as Collection Agent under Adaikalaraja [A1]; Adaikalaraja [A1] would demand exorbitant interest from borrowers; people like Adaikalaraja [A1] should be banished from business and put behind under the Goondas Act; he had brought Rs.1,50,000/-, whereas, Adaikalaraja [A1] is alleging that he has collected Rs.5 lakhs and has not remitted the amount in the office, on account of which, he is dejected and is committing suicide unable to withstand the torment. Further, he has made general allegations against the character of Adaikalaraja [A1].

6. Coming to the fact in issue, Arunkumar has stated that he had brought Rs.1,50,000/- from his house, whereas, Adaikalaraja [A1] is saying that Arunkumar has collected Rs.5 lakhs from the borrowers.

7. When this Court directly interviewed Ramya, the widow of Arunkumar, she stated that it was Adaikalaraja [A1] who was responsible for her marriage to Arunkumar; it was Adaikalaraja [A1] who had given employment to her husband, whereas, her husband acted in a cowardly manner by committing suicide, when Adaikalaraja [A1] questioned him about the collections made from the borrowers.

8. This Court is satisfied that Ramya is not under threat or coercion. She is represented by an Advocate by name Mr.K.Karthikeyan, Enrolment No.734/2015.

9. To recapitulate, Adaikalaraja [A1] was into finance business and he was responsible for the marriage of the deceased Arunkumar with the de facto complainant Ramya; Adaikalaraja [A1] gave employment to the deceased Arunkumar and appointed him as Collection Agent; Arunkumar collected monies from various borrowers and had not properly accounted for the same; Arunkumar was keeping in hand Rs.1,50,000/- that was collected by him from various borrowers, which he did not give to his employer, i.e., Adaikalaraja [A1]; Adaikalaraja [A1] suspected that Arunkumar had collected Rs.5 lakhs and not Rs.1.50 lakhs, as contended by the latter; when Adaikalaraja [A1] confronted Arunkumar, he took a room in a nearby lodge and committed suicide by hanging. Had Arunkumar been alive, Adaikalaraja [A1] would have lodged a police complaint for misappropriation of money. This Court does not find any material worthwhile to hold that Adaikalaraja [A1] and the co-accused had abetted the suicide of Arunkumar.

In such perspective of the matter, this Court is of the view that this is a fit case to quash the prosecution. Accordingly, this petition is allowed and the prosecution in Cr.No.914 of 2017 is hereby quashed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

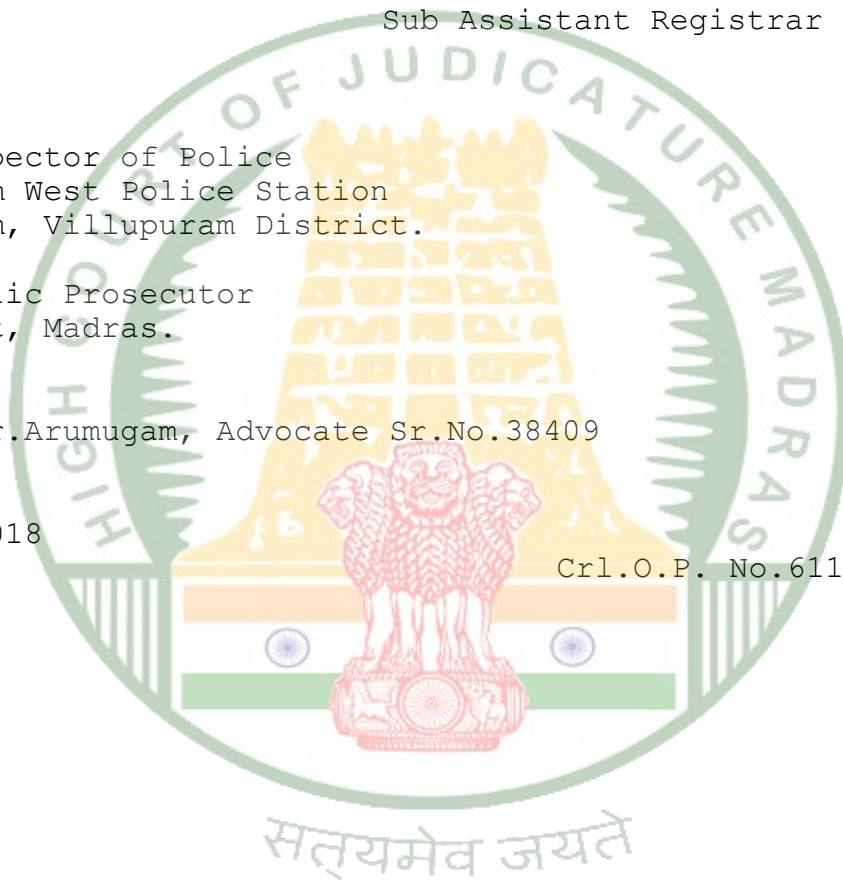
1.The Inspector of Police
Villupuram West Police Station
Villupuram, Villupuram District.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.Arumugam, Advocate Sr.No.38409

MG(CO)
sm:29.6.2018

Cr1.O.P. No.6110 of 2018



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