

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

Crl.O.P.No.21950 of 2010

and

M.P.Nos.1 & 2 of 2010

1.N.Gopinath

2.M.Natarajan

3.Lakshmi

4.Jayanthi

.... Petitioners

Vs.

1.State rep. by
Inspector of Police,
Arani Police Station,
Thiruvanamalai District.

2.Padmavathi

.... Respondents

[R.2 impleaded vide order dated 09.03.2018 in Crl.M.P.No.6164 of 2017]

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the charge sheet in S.C.No.140 of 2009 pending on the file of the Sub Court, Arani and quash the same.

For Petitioners : Mr.J.A.S.Sathish Kumar

For R.1 : Mr.T.Shanmuga Rajeshwaran

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the proceedings pending against them in C.C.No.140 of 2009 on the file of the Sub Court, Arani, wherein, the petitioners have been charged for the offence punishable under Sections 490 & 306 IPC.

2. According to the prosecution, the first petitioner is the husband of the deceased and the petitioners 2 & 3 are his parents and the fourth petitioner is the sister of the first petitioner. The marriage between the first petitioner and the

deceased was solemnized on 20.01.2006 and at the time of marriage, 25 sovereigns of gold jewels and other house hold articles were provided by the deceased's family. It is the case of the prosecution that the deceased was frequently harassed and threatened by way of dowry demand and at one point of time, the deceased informed her mother / complainant about the ill treatment faced by her and therefore, the deceased's brother took her to their native place on 07.06.2007. Even after coming to her parental home, the deceased was not in a peace mind, as she was threatened by her in-laws over phone, by demanding dowry. Therefore, the deceased, on 19.06.2007, at about 12 noon, committed suicide by hanging. Based on the complaint lodged by her mother / complainant, the first respondent police registered a case in Crime No.232 of 2007 and after investigation, has filed the final report as against the petitioners. Challenging the same, the present criminal original petition has been filed.

3. The learned Counsel for the petitioners contended that there is no specific averment in the First Information Report attracting the provision under Section 306 IPC as against the petitioners, as such, the present proceedings is not at all maintainable. He further contended that there are contradictions between the statements recorded by the first respondent Police under Section 161 Cr.P.C and the First Information Report. Therefore, the learned Counsel prays for allowing the present criminal original petition.

4. Per contra, the learned Government Advocate (Crl. Side), reiterating the prosecution case, has drawn the attention of this Court to the complaint and submitted that on 18.06.2007, at about 07.00 am in the morning, the petitioners had called the victim over phone and intimidated her, on account of which, she committed suicide on the very next day. The learned Government Advocate further submitted that the contradictions pointed out by the learned Counsel are a matter for trial and therefore, on this ground, the impugned proceedings cannot be quashed, as such, prays for dismissal of this Criminal Original Petition.

5. Heard the learned Counsel appearing for the respective parties and perused the documents placed on record.

6. The case of the prosecution is that the deceased was frequently harassed and threatened at the hands of the petitioners and she lamented the same to her mother / complainant herein, over phone. Even after the deceased was taken to her parental home, the petitioners continued to threaten her and demanded dowry and intimidated by the same, the deceased committed suicide. Though the petitioners have raised a plea that the first respondent police has not examined any of their neighbors to prove the dowry demand as well as harassment, it is seen that the first respondent police has pointed out 16

witnesses to establish their case. Therefore, this Court is of the view that the grounds raised herein are a matter for evidence and hence, this Court is not inclined to entertain this petition at this stage.

7. Accordingly, this criminal original petition is dismissed. It is open to the petitioners to raise all the grounds that are raised herein before the trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ska/gk

To

1.The Subordinate Judge,
Arani.

2.The Inspector of Police,
Arani Police Station,
Thiruvannamalai.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.J.Venkatesa Perumal Advocate sr82120

Cr1.O.P.No.21950 of 2010

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