

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.12363 of 2018

1. Devendran
2. Visalakshi ... Petitioners/Accused 1 & 2

Vs

1. State rep. by
The Inspector of Police,
Kantachipuram Police Station,
Villupuram District. ...Respondent
2. Ramachandran ...Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for records and to quash the First Information Report in Crime No.57 of 2018 dated 31.01.2018 on the file of the Respondent Police under Sections 294 (b), 323, 506 (ii) and 306 of Indian Penal Code 1860.

For Petitioners : Mr.P.Jeraldin Melchior
For Respondents : Mrs.Kritika Kamal.P
Government Advocate (Crl.Side)
For R1

O R D E R

This Criminal Original Petition has been filed seeking a direction to call for the records and to quash the First Information Report in Crime No.57 of 2018 dated 31.01.2018 on the file of the Respondent Police under Sections 294 (b), 323, 506 (ii) and 306 of Indian Penal Code 1860.

2. On a complaint lodged by the second respondent, the first respondent police have registered a case in Crime No.57 of 2018 on 31.01.2018 for the offences under Sections 294 (b), 323, 506(ii) and 306 IPC.

3. It is the case of the de facto complainant that her father Murugan was assaulted and abused by the petitioners/accused herein, on account of which, he consumed poison on 30.01.2018 and died.

4. The learned counsel appearing for the petitioners/accused submitted that there are several contradictions in the complaint given by the de facto complainant, inasmuch as the de facto complainant has stated that her father was assaulted on 06.01.2018. However, he

committed suicide only on 30.01.2018 and therefore, the petitioner cannot be implicated for the offence under Section 306 IPC. Though there appears to be some force in the submission of the learned counsel appearing for the petitioner, yet this Court cannot go into the disputed questions of facts in a quash petition filed under Section 482 Cr.P.C.

5. In such view of the matter, this petition is dismissed with a direction to the District Superintendent of Police, Thirukovilur Sub Division, Villupuram District, to monitor the investigation in Kandachipuram Police Station Crime No.57 of 2018 and if it is found that no incident as alleged by the de facto complainant had taken place, it is needless to state that further prosecution against the accused should be closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dh/mk

To

1. The Superintendent of Police
Thirukovilur Sub Division, Villupuram District.
2. The Inspector of Police,
Kantachipuram Police Station,
Villupuram District.
3. The Government Advocate (Crl.Side)
High Court, Madras.

+1cc to Mr.P.Jeraldin Melchior, Advocate Sr.No.31045

CA(CO)

sm:10.5.2018

सत्यमेव जयते

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