

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25559 of 2018
and CRL.M.P.No.14584 of 2018

M.Hameed

.. Petitioner

Vs

1.State rep. by,
The Inspector of Police,
T-6, Police Station,
Avadi, Chennai-54.
Crime No.470 of 2018

2.J.Sheela

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.470 of 2018 pending investigation on the file of the Inspector of Police T-6, Avadi Police Station, Chennai-54

For Petitioner : Mr.C.D.Johnson

For 1st Respondent : Mrs.M.Prabavathi, APP

O R D E R

One Jesus Bhagyaraj committed suicide by hanging on 11.07.2018, pursuant to which, on the complaint given by his wife Sheela, respondent Police have registered a case in Crime No.470 of 2018 on 12.07.2018 under Section 174 Cr.P.C and thereafter, have altered the case to one under Section 306 IPC and have implicated the petitioner herein. Under such circumstances, the petitioner is before this Court for quashing the FIR.

2.Heard Mr.C.D.Johnson, learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3.On a reading of the FIR, it is alleged by de facto complainant that her deceased husband was working as a driver

and was also running a chit business; that the petitioner herein had paid certain amounts to her husband and when her husband was not able to return the amounts, the petitioner said to have abused her husband. On account of which, he committed suicide.

4.Mr.C.D.Johnson, learned counsel for the petitioner submitted that the petitioner had subscribed to the chit that was run by the deceased and paid around Rs.3,59,000/- in 17 installments and when the amount was not returned, he naturally approached him for return of the amount. Apart from the debt to the petitioner, the deceased also owed money to certain others and therefore, he had committed suicide, for which, the petitioner cannot be implicated under Section 306 IPC.

5.Per Contra, learned Additional Public Prosecutor submitted that, the Police recovered the suicide note from the pocket of the deceased and the investigation is still pending.

6.This Court gave its anxious consideration to the rival submissions. Though there appears to be much force in the submission of Mr.C.D.Johnson, learned counsel for the petitioner, yet in the light of the fact that the suicide note has been recovered from the pocket of the deceased, it will not be appropriate for this Court to quash the FIR at the threshold. Hence, this Court directs the respondent Police to thoroughly investigate the case and during investigation, if it is found that the petitioner was not responsible for the suicide of Jesus Bhagyaraj, it is needless to state that further action against the petitioner should be dropped.

With the above observation this petition is closed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
T-6, Police Station,
Avadi, Chennai-54.
Crime No.470 of 2018

2.The Public Prosecutor,
High Court, Madras.
+lcc to Mr.C.D.Johnson, Advocate, S.R.No.75181

CRL.OP.No.25559 of 2018

(NRICO)
GSP(19/11/2018)