



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.22173 of 2013
and
MP(MD)No.1 of 2013

A.Subash Fernando ... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi. (Cr.No.739/2013)

2.Kanagavel ... Respondents

Prayer : This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records in connection with the case in Cr.No.739 of 2013 on the file of the first respondent police and quash the same.

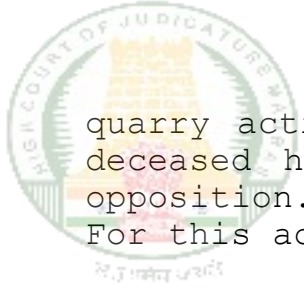
For Petitioner	:	Mr.R.Balakrishnan
For Respondents	:	Mr.A.Robinson, Govt.Advocate for R1 Mr.T.Selvam for R2

ORDER

Heard the learned counsel on either side.

2.The petitioner and few others are shown as accused in Crime No.739 of 2013 on the file of the Thoothukudi South Police Station, Thoothukudi for the altered offence under Section 306 IPC. One Joseph Fernando consumed poison and passed away on 28.09.2013. The said Joseph Fernando was working as a President of the Minority Division of a political party at the District level. It appears that there was local agitation against quarrying of the sand. But, the said Joseph Fernando was supporting the quarrying activities. In this regard, the petitioner also met with some local opposition. Feeling depressed by the same, the said Joseph Fernando had consumed poison and passed away as a result.

3.There is nothing on record to show that the petitioner herein abetted the commission of suicide by the said Joseph Fernando. The statements recorded under Section 161 of Cr.PC also indicate that some of the local persons who probably included the petitioner herein had abused the deceased and condemned him for supporting



quarry activities. Sand quarrying is a emotive issue. Since the deceased had supported the said activity, he had met with local opposition. Probably out of depression, he had committed suicide. For this act, the petitioner cannot be blamed.

4. Therefore, this Court is of the view that the petitioner ought not to be made to face the prosecution in the impugned case. Hence, the F.I.R in Crime No.739 of 2013 on the file of the Thoothukudi South Police Station, Thoothukudi stands quashed as a whole. The first respondent is directed to file final report to this effect before the concerned magistrate. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi. (Cr.No.739/2013)

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.T.Selvam, Advocate SR.No. 70212

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skm

JM/SV/SAR 1/06.07.2018/2P/4C