



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.04.2018

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP(MD) .No.22353 of 2013
and
M.P. (MD) .Nos.1 & 2 of 2013

1.Dhilsath Begum
2.Vahitha Rahman
3.Aayisha Sithika
4.Sumaiya Kathan ...Petitioners /accused (2 to 5)

Vs.

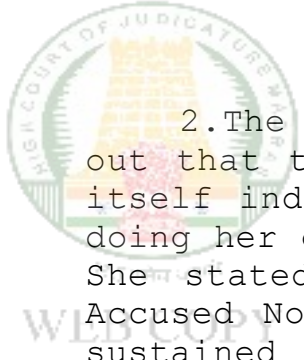
1.The Inspector of Police,
Batlagundu Police Station,
Dindigul District. ... respondent / Complainant
(Crime No.575 of 2007)
2.M.Sameem Banu (died) ...respondent / *de facto* Complainant

PRAYER: This Petition filed under Section 482 of Criminal Procedure Code to call for the records pertaining to the case in P.R.C.No.17 of 2013 on the file of the learned Judicial Magistrate, Nilakottai and quash the charge sheet and consequential further proceedings as against the petitioners.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For R1 : Mr.A.Robinson
Government Advocate (Crl side)

ORDER

The petitioners are mother-in-law and the sisters-in-law of the deceased Mrs.Sameem Banu. Crime No.575 of 2007 was registered on the file of the Inspector of Police, Batlagundu Police Station, Dindigul District under Section 174 of the code of Criminal Procedure based on the statement made by the second respondent herein. Subsequently, she passed away. Therefore, the said statement was treated as dying declaration. The first respondent filed a final report under Sections 498 (A) and 304(B) of Indian Penal Code and Section 4 of Dowry Prohibition Act against the petitioners herein. The petitioners herein have been shown as Accused Nos.2 to 5. The case is pending at the committal stage.



2.The learned counsel appearing for the petitioners pointed out that the dying declaration given by the deceased Sameem Banu herself indicates that it is a case of accident. Sameem Banu was doing her domestic activities in the kitchen when she caught fire. She stated that her husband Mohamed Ibrahim who was shown as Accused No.1, attempted to save her and in the process, he also sustained serious burn injuries. Both of them were admitted in Apollo Hospital, Madurai. The occurrence took place on 06.08.2007. The second respondent/de facto complainant died on 12.08.2007. Even before that, her husband Mohamad Ibrahim/accused No.1 died on 11.08.2007.

3.The learned counsel rightly highlighted the fact the dying declaration itself clearly indicates that it was an accident. The husband also passed away. The question of filing a final report against the petitioners herein who are only the in-laws does not arise at all. It appears that the police filed such a final report based on the statements of the relatives. The petitioners have now filed a document before this Court, in which, it is mentioned that the relatives have decided to retract their subsequent statements. Since the husband also died on account of the occurrence in question, there is no need to prosecute the petitioners herein. The charge sheet is liable to be quashed and the same is quashed accordingly.

4.This Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

sd/
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

tsg

To

1.The Judicial Magistrate, Nilakottai.

2.The Inspector of Police, Batlagundu Police Station,
Dindigul District.

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

+1cc to Mr.D.Shanmuga Raja,Advocate in SR.No. 62539

GJM/RSK/SKN/SAR-3-30.5.18-2p-5c

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