



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANCRL.O.P. (MD) No.22621 of 2013 and
M.P. (MD) Nos.1 & 2 of 2013Senthamarai ... Petitioner/Accused No.1
Vs.1. State through,
The Inspector of Police,
Virudhunagar East Police Station.
(Crime No.467 of 2011) ... Respondent/Complainant2. Rajasingam
(R-2 is impleaded vide Order dated 07.02.2014
in M.P. (MD) No.1 of 2014) ... Respondent No.2/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records relating to S.C.No.22 of 2014 on the file of the Mahila Court, Srivilliputhur and to quash the same as against the petitioner/1st Accused concerned.

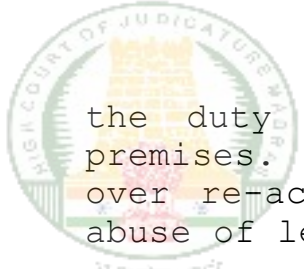
(Amended vide order dated 25.06.2018 in
Crl.M.P. (MD) No.4317 of 2018)

For Petitioner : Mr.M.Ashok Kumar
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side).

ORDER

The petitioner is working as a Lecturer in Government Nursing School, Virudhunagar. A nursing student by name Thamaraiselvi was talking to someone over phone for a long time on 08.08.2011. As per the norms prevailing in the hostel, a student cannot speak beyond the period of three minutes in the public telephone maintained in the college premises. Since the said student had spoken for a longer time, she was scolded by the warden by name, Kalavathi. Her parents were also summoned to appear. This led Thamaraiselvi into a fit of depression. She committed suicide by hanging herself. Hence, Crime No.467 of 2011 was registered on the file of the Inspector of Police, Virudhunagar East police station. Initially the case was registered under Section 174 of Cr.P.C., and thereafter altered into Section 306 of I.P.C.

2. This Court is of the view that the petitioner cannot in any way be blamed for the suicide of the student in question. It is



the duty of the warden to maintain discipline in the hostel premises. It was sought to be enforced. The sensitive student had over re-acted. Continuing the impugned proceedings would be an abuse of legal process.

3. This Court quashed the proceedings at the instance of the co-accused. This Criminal Original petition was filed at P.R.C. stage. During the pendency of this case, the criminal case was committed to Mahila Court(Fast Track Court), Srivilliputhur and it was taken on file in S.C.No.22 of 2014. Even if all the averments set out in the statements recorded under Section 161 of Cr.P.C., have taken to be true, still no offence is made against the petitioner. The impugned proceedings are quashed.

4. The Criminal Original petition stands allowed, accordingly. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judge,
Mahila Court, (Fast Track Court)
Srivilliputhur.
2. The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.M.ASHOK KUMAR, Advocate in SR.No.69814

PMU

RJ/RP/SAR-3/13/07/2018 - 2P/5C

CRL.O.P. (MD) No.22621 of 2013 and
M.P. (MD) Nos.1 & 2 of 2013
25.06.2018