

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1374 of 2015
and M.P.Nos.1 & 2 of 2015

Shanthi

... Petitioner

Vs.

State by

1.The Inspector of Police (L&O),
B-4, Race Course Police Station,
Coimbatore City
Cr.No.966 of 2014
2.A.Malarvizhi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records in C.C.No.1341 of 2014 on the file of the learned Judicial Magistrate-III, Coimbatore, Coimbatore District and quash the same.

For Petitioner : Mr.C.Prakasam

For RR1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in C.C.No.1341 of 2014 on the file of the learned Judicial Magistrate-III, Coimbatore, Coimbatore District

2. Mr.C.Prakasam, the learned counsel for the petitioner would submit that the petitioner and her husband with their children are residing at C-16, Uppilipalayam Police Quarters, Coimbatore-18, and opposite to their house one, Kumaravel working as Constable is always giving troubles to the neighbours and always coming with drunken mood and using unparliamentary words against the ladies and he used to bring prostitutes to his house. Whenever the petitioner and her husband questioned the same, he quarrelled with the petitioner and others residing in the locality. The said person also threatened the petitioner to vacate her house and also threatened her with the help of police personnel to vacate house. Therefore, the petitioner suffered

with high blood pressure and due to frustration instead of taking medicines she has taken some powder. Therefore, she fell down unconscious of mind. Immediately, she was taken to hospital and given treatment. Unfortunately, when the same was published in the newspaper and exposed the said officials atrocities, false case has been foisted as if the petitioner attempted to commit suicide. Therefore, he prayed for quashing the entire proceedings.

3. Per Contra, Mr.M.Mohamed Riyaz, Additional Public Prosecutor appearing for the first respondent police would submit that the petitioner was charged for the offence under Section 309 I.P.C. She had poison and admitted to the hospital. Fortunately she has been given treatment and she escaped from her death. There are materials to attract the offence under Section 309 as against the petitioner. Therefore, he prayed for dismissal of the quash petition.

4. Heard, Mr.C.Prakasam, the learned counsel for the petitioner and Mr.M.Mohamed Riyaz, Additional Public Prosecutor appearing for the first respondent.

5. It is seen that the petitioner has been charged for the offence under Section 309 I.P.C. The petitioner's husband was working as Sub Inspector on the date of occurrence. Admittedly, there was quarrel between their family and one, Mr.Kumaravel, Constable. On such dispute, she got mental agony and as such she consumed sleeping pills. It was published in the newspapers and as such the case has been registered and respondent Police charged the petitioner for the offences under Section 309 I.P.C. There is no evidence to show that the petitioner attempted to commit suicide. She never had an intention to commit suicide at any point of time. It is also seen from the statement recorded under Section 161 Cr.P.C. that there is no piece of evidence to attract the offence under Section 309 I.P.C. It is also pertinent to mention here that in rare and rare circumstances, the offence under Section 309 I.P.C. can be proved. It is relevant to extract Section 309 I.P.C. as follows:

"309. Attempt to commit suicide -

Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year or with fine, or with both."

6. In the present case, there are no circumstances and there is no evidence to prove the charge for the offence under Section 309 I.P.C. against the petitioner. Therefore the petitioner need not undergo ordeal trial. Under the said circumstances,

this Court is inclined to allow the prayer sought for by the petitioner as such the proceedings in in C.C.No.1341 of 2014 on the file of the learned Judicial Magistrate-III, Coimbatore, Coimbatore District is quashed. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lok

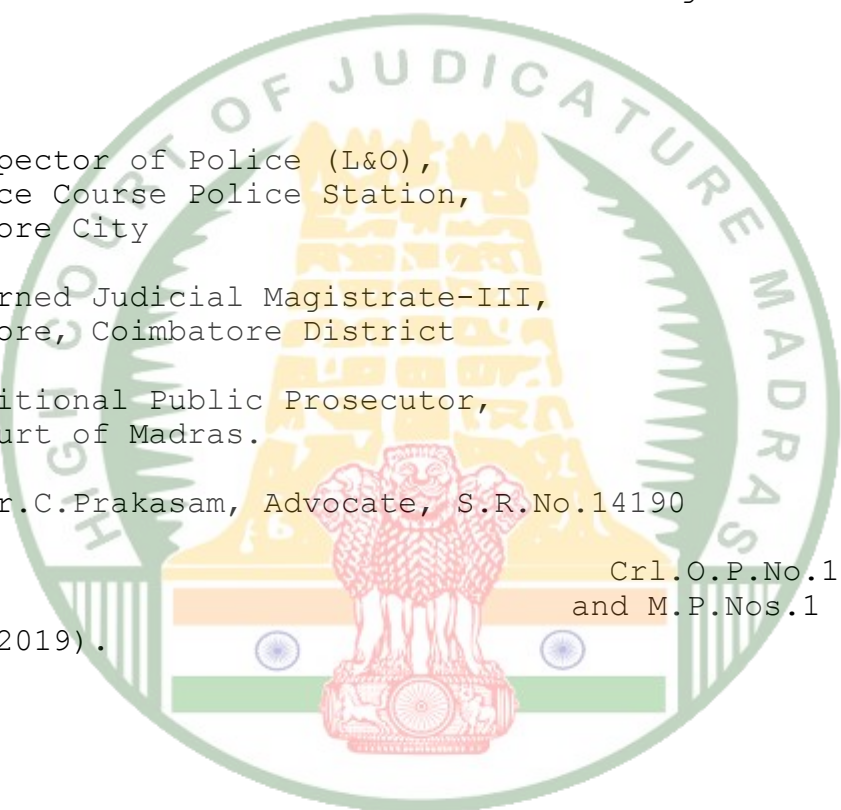
To

1. The Inspector of Police (L&O),
B-4, Race Course Police Station,
Coimbatore City
2. The learned Judicial Magistrate-III,
Coimbatore, Coimbatore District
3. The Additional Public Prosecutor,
High Court of Madras.

+1 cc to Mr.C.Prakasam, Advocate, S.R.No.14190

Crl.O.P.No.1374 of 2015
and M.P.Nos.1 & 2 of 2015

SSM(13/03/2019).

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is flanked by two green trees. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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