

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 21.02.2019

CORAM  
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAYAN

Crl.O.P.No.4640 of 2019  
and  
Crl MP. Nos.2745 and 2747 of 2019

R. Boopathi

...Petitioner

Vs

1. State rep. by Inspector of Police,  
Thoothur Police Station,  
Ariyalur District.

2. P. Chandrakasan

...Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in S.C. No.80 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur and quash the same.

For Petitioner : Mr.S. Sadasharam

For Respondent : Mr.M. Mohamed Riyas  
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in S.C. No.80 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur and quash the same.

2. According to the petitioner, on 09.12.2017, the conduct of the deceased, who was the sister of the 2nd respondent was questioned by the petitioner in Panchayat and the deceased used abusive words against him. Hence, the petitioner was falsely implicated in Crime No.96 of 2017 against the complaint dated 16.12.2017, given by the 2nd respondent for the death of one Tamilselvi.

3. The learned counsel for the petitioner would submit that the petitioner was arrayed as the sole accused and as per chemical examination report, no poison was deducted in the stomach, intestine, liver of the deceased. Further he submitted that PW1 and PW2 viz., brother and husband of the deceased are the interested witnesses and the complaint alleged as against the petitioner was due to previous enmity between the

petitioner and the 2nd respondent. Hence, he seeks permission of this Court to quash the S.C. No.80 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur.

4. The learned Additional Public Prosecutor submitted that the charges levelled against the petitioner for offences under Section 294(b), 306 IPC and 4B(1) of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and final report was also filed. As per the report issued by the Forensic Department that the deceased was died due to poisoning, but the nature of poison was not identified by the chemical analyst. Hence, the said issue cannot be dealt with in this petition filed under 482 directions.

5. Considering the submission so made by the learned Additional Public Prosecutor and the facts of the case, this Court is not inclined to entertain this petition to quash the entire proceedings. Accordingly, this Criminal Original Petition is dismissed, however, liberty is granted to the petitioner to approach before the trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi2

To

1.The Sessions Judge,  
Fast Track Mahila Court,  
Ariyalur.

2.The Inspector of Police,  
Thoothur Police Station,  
Ariyalur District.

3.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Sadasharam, Advocate, S.R.No.16500

Cr1.O.P.No.4640 of 2019

SPD(CO)

RRS (16/04/2019)