

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.R.C.No. 559 of 2019

A.Chinnasamy

...Petitioner

Vs

1. State by

The Inspector of Police,
Hosur Town Police Station,
Hosur,
Krishnagiri District

2. G. Selvaraj

...Respondents

PRAYER: Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure Code, 1973 to set aside the order passed by the learned Judge, Fast Track Mahila Court, Krishnagiri in Crl.M.P.No.921 of 2018 in SC.No.105 of 2013 dated 28.01.2019.

For Petitioner : Mr.R.Vijayaraghavan

For R 1 : Ms.P.Kritika Kamal
Government Advocate (Criminal Side)

O R D E R

The Criminal Revision Petition has been filed challenging the order dated 28.01.2019 passed by the learned Judge, Fast Track Mahila Court, Krishnagiri in Crl.M.P.No.921 of 2018 in SC.No.105 of 2013.

2. The petitioner's married daughter Thenmozhi died under suspicious circumstances, pursuant to which, a case in Crime No. 207 of 2010 was registered under Section 174 Cr.P.C and after completing the investigation, the police have filed Charge Sheet for the offence under Sections 498-A, 306 IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998 against G.Selvaraj, the husband of the deceased (2nd respondent), and the same is pending in SC No.105 of 2013 before the Sessions Court, (Fast Track Mahila Court), Krishnagiri.

3. It may be relevant to state that the First Information Report in this case was registered based on the compliant lodged by one C.Sundarrajan (PW1), brother of the

deceased. During trial, A.Chinnasamy, the petitioner herein, who has been shown as PW 2, filed a petition in CrI.M.P.No.921 of 2018 in SC No.105 of 2013, under Section 302 Cr.P.C for assisting the prosecution, which has been dismissed by the trial court, aggrieved by which, the petitioner is before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

5. On reading the impugned order dated 28.01.2019, the learned trial Judge has dismissed the petition on the ground that C. Sundarrajan (PW1), the brother of the deceased, who is the de facto complainant in this case has not filed any petition and therefore A.Chinnasamy (PW2) does not have locus standi to assist the prosecution. This Court is unable to persuade itself to agree with the above reasoning. Admittedly, the deceased Thenmozhi is the daughter of A.Chinnasamy(PW2) and sister of C. Sundarrajan (PW1). Therefore, he is not a stranger nor he is a busy body. Just because, C. Sundarrajan (PW1), brother of the deceased has not filed a petition to assist the prosecution, the petition filed by the father of the deceased cannot be dismissed.

6. In view of the above, this Criminal Revision is allowed and the order dated 28.01.2019 in CrI.M.P.No.921 of 2018 in SC No.105 of 2013 is set aside. The petitioner herein, A.Chinnasamy/the father of the deceased is permitted to assist the prosecution in terms of Section 302 Cr.P.C.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrn

To

1. The Inspector of Police
Hosur Police Station
Krishnagiri District
2. The Sessions Judge,
Fast Track Mahila Court,
Krishnagiri
3. -do- Thro' The Principal Sessions Judge,
Krishnakiri.

4. The Public Prosecutor,
High Court, Madras

+lcc to Mr.R.Vijayaraghavan, Advocate, S.R.No.50021

CrI.R.C.No. 559 of 2019

VD(CO)

RRS (11/07/2019)



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