



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

CRL.O.P (MD) No.13228 of 2019

and

Crl.M.P.(MD) Nos.8121 & 8122 of 2019

WEB COPY

1. M. Vijaya
2. S.Sangeetha

... Petitioners /Accused Nos.3&4

Vs

1. The Inspector of Police
Virudhunagar Police Station
Virudhunagar District.
(Crime No.467/2011)

...1st Respondent/Complainant

2. Rajasingam
- ...2nd Respondent/Father of the deceased

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records pertaining to the impugned charge sheet in S.C.No.22 of 2014 pending on the file of the learned Mahila Court, Srivilliputhur.

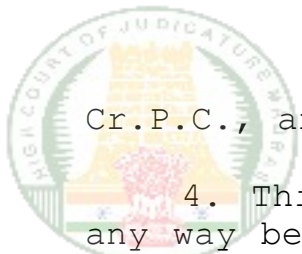
For Petitioners : Mr.G.Karuppasamy Pandiyan
For R1 : Mr.K.Suyambulinga Bharathi,
Government Advocate(crl.side)

O R D E R

This petition has been filed for a direction, to quash the charge sheet in S.C.No.22 of 2014 pending on the file of the learned Judge, Mahila Court, Srivilliputhur.

2.Heard the learned Counsel for the petitioners and the learned Additional Government Advocate(crl.side) for the respondent police.

3.The petitioners, who are arrayed as A3 and A4 are the classmates of the deceased. The deceased, who was 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 a period of three minutes in the public telephone maintained in the college premises. Since the said student had spoken for a longer time, the petitioners had informed the same to A1, who is the warden viz., Kalavathi. The parents of the deceased 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.

4. This Court is of the view that the petitioners 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.

5. 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., are taken to be true, still no offence is made against the petitioners. Hence, the impugned proceedings are quashed.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

1.The Judge,
Mahila Court, Srivilliputhur.

2. The Inspector of Police
Virudhunagar Police Station
Virudhunagar District.

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

+1 CC to M/s.G.KARUPPASAMY, Advocate (SR-88675[F] dated
23/09/2019)

Order made in
CRL.O.P (MD) No.13228 of 2019
23.09.2019

_KM/ (04.10.2019) 2P 5C