

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.3107 of 2020

Anjalai

... Petitioner/Accused (A4)

Vs.

1.State rep by
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District,
Cr.No.189/2019.

2.Rajeswari

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Cr.No.189 of 2019 on the file of the 1st respondent police and quash as for as the petitioner/accused is concerned the same.

For Petitioner : Mr.A.Arasu Ganeshan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in Cr.No.189 of 2019 on the file of the 1st respondent police and quash as for as the petitioner/accused is concerned the same.

2. The learned counsel for the respondent has submitted that as per the allegations made in the FIR, the petitioner herein came to the scene of occurrence only after the occurrence. That being so, the petitioner cannot be prosecuted either for the offence under Section 302 or for the offence under Section 201 IPC.

3. Per contra, the learned Additional Public Prosecutor has submitted that in the FIR, it is clearly stated that A1 hit

a 5 years old second respondent's daughter forcibly against a wall and caused her death. He further submitted that in the FIR, it is also stated that immediately the petitioner herein who is the daughter of the accused No.1 and her brother came there and all of them took the body of the said child to the burial ground and buried there. Therefore, there is a prima facie material to proceed against the petitioner and hence, he opposed this petition.

4. In the FIR, it is clearly stated that the petitioner herein along with the other accused persons, took the body of the deceased child to the burial ground, and buried there. Under the said circumstances, this court is of the view that the first respondent should be allowed to complete the investigation and only during investigation, it can be found whether actually the petitioner has joined with the other accused for disposing of the dead body of the deceased child. Therefore, at this stage, this court does not want to quash the FIR.

5. In the result, this Criminal Original Petition is dismissed. The first respondent is directed to expedite the investigation in a fair and unbiased manner and to file a final report as early as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gv

To

1.The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District,
Cr.No.189/2019.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Arasu Ganesan, Advocate SR.12126

CRL.O.P.No.3107 of 2020

KS(CO)
CB(18/02/2020)