

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.30100 of 2014

and

CrI.M.P.Nos.1 & 2 of 2014

Kotteeswari ... Petitioner/Sole Accused

Versus

State represented by,
The Inspector of Police,
T-15, SRMC Police Station,
In Crime No.485 of 2014,
Chennai Police.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings pending against the petitioner in PRC.No.12 of 2014 on the file of the learned Judicial Magistrate No.I, Poonamallee.

For Petitioner : M/s.A.M.Rahamath Ali

For Respondent : M/s.S.Karthikeyan
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to quash the proceedings in PRC.No.12 of 2014 on the file of the Judicial Magistrate Court No.I, Poonamallee.

2.The petitioner is sole accused, who is facing trial for the offence under Section 306 of IPC in PRC.No.12 of 2014.

3.The contention of the learned counsel for the petitioner is that even if entire case is admitted, it would not constitute abetment within the meaning of Section 109 of IPC and there is no prosecution for an offence under Section 306 of IPC. The learned counsel further submitted that no material is available in the charge sheet to suggest that even the alleged teasing by the petitioner was any time proximal to the suicide and further, in the suicide note nothing to be said against the petitioner.

4.The learned Additional Public Prosecutor filed a counter and stating about the lodging of complaint by the father of the deceased S.Kamalakannan and thereafter, the case came to be registered. During investigation, the suicide note written by the deceased was seized and after examination of the witnesses, charge sheet came to be filed against the petitioner, by citing LW1 to LW20 and several documents. He further submitted that there are witnesses who are specifically spoken against the petitioner and further to it there is suicide note against the petitioner. He further contended that the case has been now committed to the Mahila Court, Thiruvallur and assigned as S.C.No.187 of 2018 and the case is now posted for examination of LW1 to LW3 on 16.03.2020.

5.At this stage, the learned counsel for the petitioner seeks permission of this Court to withdraw the quash petition and seeks liberty to raise all the points during the trial.

6.In view of the endorsement made by the learned counsel for the petitioner, this Criminal Original Petition is dismissed as withdraw. Liberty is granted to the petitioner to raise all the points before the Court below during trial. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police,
T-15, SRMC Police Station,
Chennai Police.
2. The Judicial Magistrate No.1,
Poonamallee.
- 3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.30100 of 2014

SR(CO)
GMY (22/05/2020)

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