



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **27.11.2020**

CORAM:
THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P. (MD)No.12535 of 2020

WEB COPY

T. GananpathyRamalingam ... Petitioner/Accused
Vs.
1. The Inspector of Police,
Suseendiram Police Station,
Kanniyakumari District. ... 1st Respondent/Complainant
2. R. Lakshmi ... 2nd Respondent/Defacto
complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in Crime No.449 of 2013 on the file of the first respondent police and quash the same.

For Petitioner : Mr.S.Ramsundarvijayraj for
M/s.Veera Associates
For Respondents : Mr.V. Neelakandan
Additional Public Prosecutor

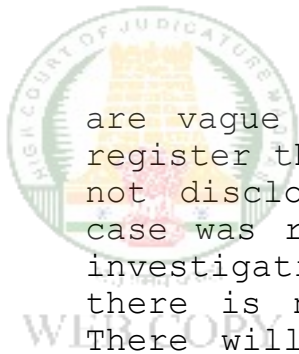
O R D E R

The petition has been filed to quash the proceedings in Crime No.449 of 2013 on the file of the first respondent police, for the offence under Section 306 of IPC as against the petitioner.

2. The learned counsel appearing for the petitioner reiterated the contentions set out in the original petition.

3. The learned Additional Public Prosecutor appearing for the respondent police would state that the deceased Krishnakumar has borrowed loan and said to have been in difficulty in repaying the loans. He would further state that, since the said Krishnakumar has committed suicide initially the case was registered under Section 174 of Cr.P.C. and on further investigation it was found some piece of papers in the shirt of the deceased Krishnakumar in which he stated that eight persons including the petitioner as the eighth person to whom he said to have borrowed the loan are the reason for the suicide and subsequently, the offence was altered into Section 306 of IPC.

4. On perusal of records, it is revealed that the entire <https://hcservices.mca.gov.in/hcservices/> ~~entire~~ ~~records~~ ~~contained~~ ~~in~~ ~~the~~ ~~alteration~~ ~~FIR~~ as against the petitioner



are vague and there is no *prima facie* case has been made out to register the case against the petitioner, even in the complaint does not disclose any allegations against the petitioner. Though, the case was registered in the year 2013, there is no progress in the investigation and therefore, on the face of it, one can infer that there is no *prima facie* material even to file the charge sheet. There will be no fruitful purpose to alter the investigation to profound further. Hence, this Court is inclined to quash the First Information Report in Crime No.449 of 2013.

5. Accordingly, the Criminal Original Petition is allowed and the First Information Report in Crime No.449 of 2013 is hereby quashed as against the petitioner alone.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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In view of the present lock down owing to COVID-19
Note : pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The Inspector of Police,
Suseendram Police Station,
Kanniyakumari District.

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

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-23219[F] dated 30/11/2020)

Crl.O.P.[MD]No.12535 of 2020
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ARK(CO)

KK(21.12.2020) 2P 4C