

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.106 of 2021

and

Crl.M.P.No.1998 of 2021

1.Rajesh @ Jacob
2.Selvam @ Selvaraj
3.Sathish Kumar

... Petitioners/Accused 2 - 14

Vs.

State Represented by,
Inspector of Police,
T2, Ambattur Estate Police Station,
Chennai.

... Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to allow this Criminal Revision Petition by set aside the order passed by the learned III Additional District Sessions Judge, Tiruvallur @ Poonamallee in Crl.M.P.No.57 of 2020 dated 11.01.2021 in S.C.No.61 of 2020 on the file of the learned III Additional District and Sessions Judge, Tiruvallur @ Poonamallee.

For Petitioners: Mr.S.Suresh

For Respondent: Mr.K.Madhan

Government Advocate [Crl. Side]

ORDER

The respondent Police have registered a case in Crime No.669 of 2016, for offence under Section 306 IPC against the petitioners and yet another. After completion of investigation, the respondent Police laid a charge sheet and the same was committed to the learned III Additional District and Sessions Judge, Thiruvallur @ Poonamallee and the same was taken on file as S.C.No.61 of 2020. After completing formalities under Section 207 Cr.P.C., the matter was posted for framing of charges. At that time, the petitioners, who are arrayed as A2 to A4 in this case, have filed a petition under Section 227 Cr.P.C., in Crl.M.P.No.57 of 2020 in S.C.No.61 of 2020 to discharge them from the case. The learned III Additional District and Sessions Judge, Thiruvallur @ Poonamallee, by order, dated 11.01.2021, citing the various Judgment of Hon'ble

Supreme Court, other High Courts and also this Court, dismissed the discharge petition on the ground that the materials available would make out a prima facie case against the petitioners and also incriminating materials is found and the defence taken by the petitioners can be decided during trial and not at this stage. Challenging the same, the petitioners are before this Court by way of filing the criminal revision.

2.The learned counsel for the petitioners would submit that the petitioners were not involved in any offence as alleged by the prosecution and the statement of witnesses did not disclose that the petitioners have provoked or induced the deceased to commit suicide. He would further submit that mere uttering the words will not satisfy the requirements of Section 107 IPC and bring the petitioners within the purview of Section 306 IPC. Hence, the order passed by the Court below is liable to be set aside and the petitioners are to be discharged from the case.

3.The learned Government Advocate [Crl. Side] appearing on behalf of the respondent would submit that the list of witnesses cited in the charge sheet have clearly spoken about the involvement of the petitioners in this case. He would further submit that the materials collected along with the charge sheet are suffice to prove the prima facie case against the petitioners. Hence, the petitioners are not entitled for discharge as there are sufficient materials available to frame charge against them and the trial Court has rightly dismissed the petition, which does not warrant interference.

4.Heard the learned counsel for the petitioners and the learned Government Advocate [Crl. Side] and perused the materials available on record.

5.The case of the prosecution is that the deceased committed suicide by leaving suicide note, based on which, the respondent Police have registered a case in Crime No.669 of 2016 against the petitioners and yet another for offence under Section 306 IPC. The deceased is the son of the defacto complainant. The deceased left the suicide note by mentioning the name of the petitioners that the petitioners are the reason for his death. After completing the investigation, the respondent Police laid a charge sheet arraying the petitioners as A2 to A4 and yet another as A1.

6.A reading of the materials placed before this Court, it is found that there is prima facie materials available against the petitioners. While deciding the petition filed under Section 227 Cr.P.C., the Court has to see the materials filed by the prosecution along with the charge sheet filed under Section 173(2) Cr.P.C., and not the defence taken by the accused. The

learned counsel for the petitioner would submit that there was a matrimonial dispute between the deceased and his wife. Due to wordy quarrel, the 1st petitioner/A2 was assaulted by the deceased and subsequently, they compromised the issues. Thereafter, the deceased committed suicide and the petitioners are not cause for the death of the deceased and they are no way connected with the case.

7.From the evidence and materials produced by the prosecution along with the charge sheet, it is seen that there is prima facie materials against these petitioners to frame charge and to proceed with the trial. Therefore, the defence taken by the petitioners are to be decided during trial and not at this stage.

8.In view of the above, this Court does not find any illegality or infirmity or perversity in the order, dated 11.01.2021, in Cr1.M.P.No.57 of 2020 in S.C.No.61 of 2020 passed by the III Additional District and Sessions Judge, Thiruvallur @ Poonamallee and the same is, hereby, confirmed. This Criminal Revision is, accordingly, dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The III Additional District and Sessions Judge,
Thiruvallur @ Poonamallee.

2.Do Thro The District and Sessions Judge,
Thiruvallur @ Poonamallee.

3.The Inspector of Police,
T2, Ambattur Estate Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.106 of 2021

GJ(CO)
GN(23/03/2021)