

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.03.2021
CORAM :
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.4685 of 2021
and
Crl.M.P.No.3002 of 2021

V.Saivalini

.. Petitioner

Vs.

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Yethapur Police Station,
Salem.
Crime No.402 of 2007

2. Selvarani

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to the F.I.R. dated 17.07.2007 in Crime No.402 of 2007 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent No.1: Mr.C.Raghavan
Government Advocate

ORDER

This Criminal Original petition has been filed seeking to quash the FIR in Crime No.402 of 2007 pending investigation on the file of the 1st respondent.

2. The husband of the petitioner was arrayed as A10 in the FIR. It is seen that he died on 20.10.2010. The petitioner who is the wife is aggrieved by the fact that the terminal benefits of her husband is not being released due to the pendency of the FIR. Left with no other option, the present petition has been filed before this Court.

3. Heard the learned counsel appearing for the petitioner and the Mr.C.Raghavan, learned Government Advocate appearing on behalf of the respondent.

4. The moment the accused person dies during the pendency of investigation, the criminal case insofar as he is concerned gets abated. Any charge made against such an accused person automatically gets abated. In view of the above, there is no requirement for this Court to quash the FIR insofar as that accused person is concerned, since such an FIR is not pending against the accused person who has already died. This is the legal position about which there can be no dispute. It will suffice if this clarity is given to enable the petitioner to work out her remedy.

5. This Criminal Original petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka
To

1. The Inspector of Police,
Yethapur Police Station,
Salem.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.K.S.Karthik Raja, Advocate, SR.NO.15905

Cr1.O.P.No.4685 of 2021

PMK (CO)
NS (04/05/2021)

सत्यमेव जयते

WEB COPY