



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21434 of 2021
and
Crl.M.P.Nos.11582 & 11583 of 2021

1.R.Bhuvaragasamy
2.Indirani

...Petitioners

Vs.

1. State Represented by,
Deputy Superintendent of Police,
Thittakudi,
All Women Police Station, Vridhachalam,
Cuddalore District.
Crime No.20 of 2007.

2.R.K.Radhakrishnan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in pertaining to the Sessions Case No.54 of 2016, on the file of the Additional Sessions Judge, Mahila Court, Cuddalore, pertaining to the case in Crime No.20 of 2007, on the file of the 1st respondent and quash the same, in the respect of the petitioners.

For Petitioners: Mr.R.Chakkaravarthy

For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

For R2 : Mr.R.Lingakumar

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.54 of 2016, on the file of the Additional Sessions Judge, Mahila Court, Cuddalore (trial Court).

2.The gist of the complaint is that on 07.06.2006, a marriage was conducted between A1, who is the son of the petitioners/A2 & A3 and the sister (deceased) of the 2nd



respondent. During the marriage, 20 sovereigns of gold jewels, household articles and cash of Rs.25,000/- were given as Sridhana articles to the petitioners and A1. After the marriage, A1 had gone to abroad for job and thereafter, he did not return back to home. In the meanwhile, the deceased was staying with the petitioners in the matrimonial home. During that time, there have been demand of more dowry by the petitioners and A1. Unable to bear any further, the deceased had committed suicide by hanging in the house of the petitioners. Hence, the brother of the deceased/2nd respondent has lodged a complaint before the 1st respondent Police and the same was registered in Crime No.20 of 2007, for offence under Section 174(3) Cr.P.C., and after completion of enquiry by the Revenue Divisional Officer, Virudhachalam, Sections were altered to 498(A) and 304(b) IPC. After the completion of investigation, by collecting evidence and materials, charge sheet was filed before the learned District Munsif-cum-Judicial Magistrate, Tittagudi in P.R.C.No.11 of 2010. After committal proceedings, the case was committed to the trial Court and the same was taken on file as S.C.No.54 of 2016.

3.The learned counsel for the petitioners submitted that the petitioners are senior citizens, aged persons 80 and 64 years respectively and they are not aware about any dispute between the deceased and A1. He further submitted that the reason for the deceased committing suicide is not known to them and they have not demanded any dowry and not harassed the deceased. The writings in the diary, which was left by the deceased, would no way implicate the petitioners in this case. Hence, he prayed for quashing of the proceedings against the petitioners.

4.The learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that in this case, initially the FIR in Crime No.20 of 2007 was registered by the 1st respondent under Section 174 Cr.P.C. Since the deceased was died in her matrimonial home before 16 months of her marriage, the case was referred to the Revenue Divisional Officer, Virudhachalam for enquiry. After enquiry of the Revenue Divisional Officer, Virudhachalam, Sections were altered into 498(A) and 304(b) IPC. During enquiry of the Revenue Divisional Officer, Virudhachalam, the petitioners, parents of the deceased and the petitioners' neighbours were enquired. The witnesses examined during investigation have categorically stated about the harassment and cruelty faced by the deceased on the hands of the petitioners. The diary, which was left by the deceased, was attempted to be taken away by the petitioners. The Revenue Divisional Officer, Virudhachalam in his report had categorically stated that the petitioner were taken steps to cover up the evidence and also stated that the petitioners were not given any proper and plausible explanation with regard to the death of the deceased. The medical records collected from the Postmortem Doctor are in



conformity to the other materials collected during investigation. Since A1, who is the son of the petitioners, has been absconding, NBW was issued against him. So far A1 in this case is not secured by the 1st respondent Police and his whereabouts is not known to anyone. Hence, he has prayed for dismissal of the Quash Petition and seeks direction for completion of trial.

5.This Court considered the rival submissions and perused the materials available on record.

6.It is seen that the petitioners are facing trial for offence, under Sections 498(A) and 304(B) IPC. It is not in dispute that the death of the deceased had taken place in the house of the petitioners. Hence, it is for the petitioners to give proper and plausible explanation for the death of their daughter-in-law/deceased. On perusal of the materials, it could be seen that the statutory presumption is starrng against the petitioners and the petitioners were unable to give any positive material to dislodge the presumption. The others points raised by the learned counsel for the petitioners are to be decided only during the trial Court and not in this quash petition.

7.In the light of the above discussion, this Court does not find any merit in this Quash Petition and the same is liable to be dismissed and, is dismissed.

8.A1, who is the son of the petitioners, is absconding and NBW issued by the trial Court on 05.03.2021. Hence, the 1st respondent Police is directed to execute the NBW issued against A1 and secure and produce him before the trial Court. The trial Court is directed to complete the trial in S.C.No.54 of 2016 within a period of four months, from the date of receipt of a copy of this order. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

vv2

To

1. The Additional Sessions Judge, Mahila Court,
Cuddalore.



2. The Deputy Superintendent of Police,
Thittakudi,
All Women Police Station, Vridhachalam,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.21434 of 2021

PMK (CO)
RGA (28/12/2021)