



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Cr1. O.P. No.5173 of 2017
and Cr1.M.P.Nos.3840 and 3841 of 2017

1.Selvam

2.Uma

...Petitioners/Accused

Vs.

1.State represented by its
Inspector of Police,
Avalurpet Police Station,
Villupuram District.
(Crime No.207/2016)

2.Nagammal

...Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to SC No.50 of 2017 on the file of the Hon'ble Fast Track Mahalir Court, Villupuram District and quash the same.

For Petitioners	: Mr.M.Venkatesh for Mr.S.Arivazhagan
For Respondents	: Mr.R.Kishore Kumar for R1 No appearance for R2

ORDER

This Criminal Original Petition has been filed to call for the records relating to SC No.50 of 2017 on the file of the Hon'ble Fast Track Mahalir Court, Villupuram District and quash the same.

2. The crux of the charge on the accused is that accused A1 and A2 due to property dispute, abused the victim and coerced her to commit suicide stating that she should die instead of living. It is the specific charge of the prosecution that on 05.06.2016, the accused abused the victim in public and abused her in foul language. As a result, the victim self-immolated by pouring kerosene and committed suicide. Thereby, the final report has been filed.



3. It is the contention of the learned counsel for the petitioner that there is no specific overt act against the petitioners and there is no material available on record against the petitioners to proceed with the case.

He further submitted that the allegations in the charge sheet will not constitute any offence and therefore, the same has to be quashed.

4. Heard the learned Government(Crl.Side) for the first respondent and there is no appearance on behalf of the second respondent.

5. This Court has perused the entire materials available on record. The prosecution has examined 19 witnesses and collected materials. The witnesses' statements also indicate that overt act against the accused are made out. Whether such act attracts offences under Sections 407 and 306 IPC is a matter of evidence. It is the domain of the Trial Court to appreciate the evidence and decide the issue on materials. Therefore, at this stage when the prima facie materials are available against the accused to proceed against them for the offence charged, this Court is not inclined to exercise its powers under Section 482 to quash the final report.

6. Accordingly, this Criminal Original Petition is dismissed with a direction to the Trial Court to dispose of the main case as expeditiously as possible. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msv

To

1.The Inspector of Police,
Avalurpet Police Station,Villupuram District.

2. The Fast Track Mahalir Court,
Villupuram District

3. The Public Prosecutor,High Court, Madras.

+1 cc to Mr.S.Arivazhagan, Advocate Sr.NO.66199

+1 cc to Mr.Vijay Shankar, Advocate Sr.NO. 66295

Crl. O.P. No.5173 of 2017
and Crl.M.P.Nos.3840 and 3841 of 2017

MG(CO)

A.SK(07.01.2022)