



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.NO.4533 OF 2017

AND

CRL.M.P.NOS.3414 AND 3415 OF 2017

1.Muralikrishna

2.Ushadevi

3.D.Subramanian

...Petitioners

Versus

1.State rep by
The Assistant Commissioner of Police,
Guindy Range,
Chennai-600032.

2.The Sub Inspector of Police,
J-3, Guindy Police Station,
(Law and Order)
Guindy, Chennai 32.

3.Kannan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in S.C.No.57 of 2017 on the file of the Mahila Court, Chennai, and quash the same.

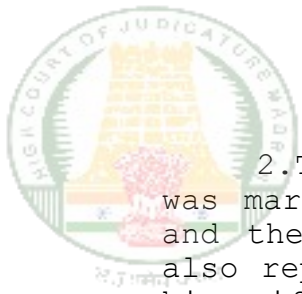
For Petitioners : Mr.D.Balachandran

For R1 and R2 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

For R3 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the final report in S.C.No.57 of 2017 on the file of the Mahila Court, Chennai, mainly, on the ground that there is no material to proceed against the accused for the offence under Section 306 IPC.



2.The crux of the prosecution charges is that the deceased was married to A1 and they were living in the matrimonial home and there was a constant demand of dowry, besides the accused also repeatedly scolded the deceased as if she is not fit to be his wife when compared to his salary and repeatedly insulted her, which resulted in committing suicide.

3.It is mainly submitted by the learned counsel appearing for the petitioners that, originally, the report indicates that there is no dowry demand. Therefore, the prosecution is not maintainable under Section 306 IPC. It is his further contention that there is no evidence that there was abetment to commit suicide. Therefore, the entire prosecution has to be quashed. The learned counsel appearing for the petitioner further submitted that there is no material of incitement in the final report.

4.Heard the learned counsel on either side and perused the materials available on record.

5.I am unable to countenance the above submissions made by the learned counsel for the petitioners for the simple reason that the act of repeatedly comparing the status of the deceased with her husband's salary and also constant alleged demand of dowry, whether amounts to incitement or not, is a matter of evidence and merely based on the contention of the learned counsel that there is no material of incitement, it cannot be concluded that there is no evidence, while exercising powers under Section 482 Cr.P.C. On a perusal of the materials collected by the prosecution, this Court is of the view that there are prima facie materials available to proceed against the accused for the offence under Section 306 IPC. Therefore, this Court is not inclined to quash the final report at the threshold. It is the wisdom of the trial Court to frame appropriate charges and find out whether Section 306 IPC alone is made out or any other offence/s is/are made out under Indian Penal Code.

6.With the above observations, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

psa/mkn



To

1.The Sessions Judge,
Mahila Court,
Chennai.

2.The Assistant Commissioner of Police,
Guindy Range,
Chennai-600032.

3.The Sub Inspector of Police,
J-3, Guindy Police Station,
(Law and Order)
Guindy, Chennai 32.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Subramani, Advocate SR.No.61390

Cr1.O.P.No.4533 of 2017

NRL(CO)
RVM(08/12/2021)