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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.12.2021

Coram:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24909 of 2021

& Cr1.M.P.No.13718 of 2021

Sivaneshan,

... Petitioner

/versus/

1. The State Rep. by,
The Inspector of Police,
Vanapuram Police Station,
Thiruvannamalai District.
Crime No.1438 of 2020

2. Krishnamoorthi,

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.1438 of 2021 pending on the file of Inspector of Police, Vanapuram Police Station, Thiruvannamalai District and quash the FIR pending against the petitioner.

For Petitioner : Mr.S.Silambu Selvan

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

O R D E R

This Criminal Original Petition has been filed praying to call for the records in Crime No.1438 of 2021 pending on the file of the 1st respondent/Inspector of Police, Vanapuram Police Station, Thiruvannamalai District and quash the First Information Report pending against the petitioner.

2.The learned counsel appearing for the petitioner submitted that, the 2nd respondent/defacto complainant is father-



in-law of the petitioner. The averments made in the complaint is that, on 02.09.2019, marriage was solemnized between the petitioner and the daughter of the de-facto complainant Monisha. After one month, the petitioner went to Dubai. Thereafter, he came back to India, after two months and he stayed for a period of 15 days with his wife (deceased). Again, he went to Dubai. On 11.06.2020, the deceased stayed in the matrimonial home. At that time, she committed suicide by hanging. He further submitted that, at the time of the commission of the offence, the petitioner was working at abroad and he is no way connected with the alleged offences. The prosecution has not established the facts in proper manner with all probabilities of law and had filed the charge sheet without having any documentary evidence. From the above grounds, it is seen that the Police has registered the case for the purpose of harassing the petitioner. In support of his arguments, he relied upon a judgment of this Court in S.Murugesan and others v. State and others reported in [2021(1) CTC 826].

3.The learned Additional Public Prosecutor appearing for the first respondent raised objections stating that the marriage was performed on 21.09.2019 Immediately, within a short period, the petitioner left his wife from India and he went to Dubai for the purpose of job. After two months, he came back to India and lived with his wife for a period of 15 days and thereafter, again he went to Dubai. Thereafter, after two months, again the petitioner came from Dubai and lived with his wife for more than one month and in the month of March 2020, the petitioner went to Dubai, and inspite of requests made by the parents and the deceased, he did not heed to their request. On 10.06.2020 at about 11.00 a.m., the wife of the petitioner had committed suicide by hanging. Hence, the father of the deceased had lodged a complaint before the respondent Police.

4.Heard both sides and perused the materials available on record.

5.On a perusal of the RDO report, it is prima facie revealed that, the petitioner was not satisfied with her matrimonial life and he has demanded some jewelery and also continuously, he was harassing the deceased. Due to harassment of the petitioner and his family members, the deceased committed suicide by hanging. The RDO enquiry has also been conducted. In the RDO report, it is stated that due to misunderstanding between the husband and wife, she committed suicide by hanging. Therefore, this Court does not find any irregularity in the charge sheet in Cr.No.1438 of 2020. Hence, the Criminal Original



Petition is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Vanapuram Police Station,
Thiruvannamalai District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.24909 of 2021
& Crl.M.P.No.13718 of 2021

SSI(CO)
SU(05/01/2022)