



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.4631 of 2021

and

Crl.M.P(MD) .No.2593 of 2021

A.Ravichandran ...Petitioner/Sole Accused
/Vs./

1.The State through
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(In Crime No.352 of 2019) ...1st Respondent/Complainant

2.M.Singam ...2nd Respondent/Defacto Complainant

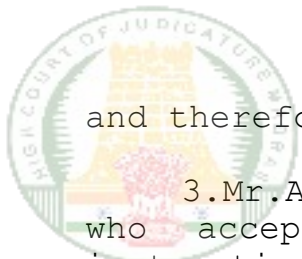
Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the F.I.R in Crime No.352 of 2019 and all subsequent Proceedings arising thereof on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.K.R.Selvakumar
For R1 : Mr.A.Robinson
Government Advocate (Criminal side)

ORDER

The present petition is filed seeking to quash First Information Report in Crime No.352 of 2019 of Usilampatti Police Station.

2.Mr.K.R.Selvakumar, learned counsel appearing for the petitioner contended that though the father(second respondent) of the deceased 10th standard student, who committed suicide, in his complaint contended that his son unable to bear stomach ache had committed suicide, the Police, subsequently, on the basis of the suicide note written by the son of the second respondent altered to Section 302 of the Indian Penal Code. He also relied on the decision reported in **2010 (8) SCC 628** in the case of **Madan Mohan Singh Vs., State of Gujarat and another** and contended that for the purpose of bringing home any charge, vis-a-vis Section 306/107 of the Indian Penal Code against the accused, this Court stated that there must be allegations to the effect that the accused had either instigated the deceased in some way, to commit suicide or had engaged with some other persons in a conspiracy to do so, or that the accused had in some way aided any act or illegal omission to cause the said suicide. He therefore contended that the Police merely based on the suicide note that one Ravi is responsible for his death, has foisted a false case against the present petitioner



and therefore, prayed for quashing the First Information Report.

3.Mr.A.Robinson, learned Government Advocate (Criminal side), who accepts notice on behalf of the first respondent, on instructions, would contend that at the time of filing of anticipatory bail, the present petitioner submitted that the suicide note was not written by the victim and therefore, it was sent to Forensic Science Laboratory for verification of the signature and since it was written only by the son of the second respondent, the present petitioner withdrew his application seeking for anticipatory bail. He would further contend that the suicide note clearly shows that the petitioner was responsible for the death of the victim and the investigation is also at initial stage. He also relied on the decision reported in **(2019) 13 SCC 598** in the case of **Narayan Malhari Thorat Vs., Vinayak Deorao Bhagat and another**, wherein it has been held thus:

"12.....the High Court was not justified in entering into question whether the first respondent had the requisite intention to aid or instigate or abet the commission of suicide. At this juncture when the investigation was yet to be completed and charge-sheet, if any, was yet to be filed, the High Court ought not to have gone into the aspect whether there was requisite mental element or intention on part of the respondent."

4. In the decision reported in **2020 SCC online SC 958** in **Skoda Auto Volkswagen India Private Limited vs. State of Uttar Pradesh and others**, it has been held thus :

"It is needless to point out that ever since the decision of the Privy Council in *King Emperor vs. Khwaja Nazir Ahmed*, the law is well settled that Courts would not thwart any investigation. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on. As cautioned by this Court in *State of Haryana vs. Bhajan Lal*, the power of quashing should be exercised very sparingly and with circumspection and that too in the rarest of rare cases. While examining a complaint, the quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or in the complaint. In *S.M. Datta vs. State of Gujarat*, this Court again cautioned that criminal proceedings ought not to be scuttled at the initial stage. Quashing



of a complaint should rather be an exception and a rarity than an ordinary rule. In S.M. Datta (supra), this Court held that if a perusal of the first information report leads to disclosure of an offence even broadly, law courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere."

5.In the circumstances, I do not find any reason to quash the First Information Report in Crime No.352 of 2019. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.4631 of 2021
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MJ(CO)
KB(24.04.2021) 3P 3C