



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.19480 of 2021

and

Crl.M.P. (MD)Nos.10872 & 10873 of 2021

WEB COPY

1.Sathishkumar

2.Rajamani

3.Krishnan

4.Rajkumar

5.Vidya @ Vithya ... Petitioners / Accused Nos.1 to 5
Vs

1.The Inspector of Police,
Palani Town Police Station,
Dindigul District,
Crime No.329 of 2019

2.Rani

3.Kalyanasundaram ... Respondents

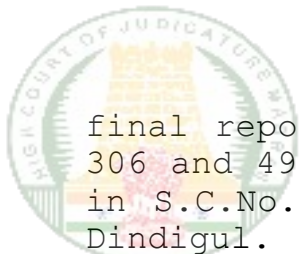
PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in S.C.No.170 of 2021 on the file of the Fast Track Mahila Court, Dindigul and quash the same.

For Petitioners	: Mr.R.J.Karthick
For R1	: Mr.T.Senthil Kumar Additional Public Prosecutor
For R2 & R3	: Mr.P.T.Ramesh Raja
For Intervenor	: M/s.J.Lawrance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.170 of 2021 on the file of the Fast Track Mahila Court, Dindigul.

2. The defacto complainant Rani w/o.Kalyanasundaram lodged information with the Inspector of Police, Palani Town Police Station leading to registration of Crime No.329 of 2019 against the petitioners herein. The defacto complainant's daughter Indira Kumari was given in marriage to the first petitioner namely Sathish Kumar in the year 2014. Two children were born through the wedlock. While so, on 14.09.2019, Indira Kumari committed suicide by hanging herself in her matrimonial home. The case was investigated and



final report was filed. Cognizance of the offences under Sections 306 and 498A of IPC was taken. The case is presently pending trial in S.C.No.170 of 2021 on the file of the Fast Track Mahila Court, Dindigul. At this stage, this criminal original petition has been filed for quashing the impugned prosecution. Of-course, the defacto complainant as well as her husband appeared in person before me and stated that they have erroneously given a complaint and that they want the proceedings to be quashed. Since this is a case arising under Section 306 of IPC, the prosecution cannot be quashed on the strength of compromise between the parties. The petitioners' counsel therefore argued the case on merits.

3. I went through the statements recorded under Section 161 of Cr.P.C. It can be seen therefrom that the deceased Indira Kumari was not allowed to freely interact with her parents and her siblings. Such state of affairs had continued for almost 3 ½ years. It appears that Indira Kumari was not even permitted to attend the wedding of her sister. These incidents had generated an immense amount of stress in her and that led her to commit suicide.

4. The learned counsel appearing for the petitioners would point out that only if there are materials to show that the accused intended that the deceased must die, then, offence under Section 306 of IPC would be attracted. The fact that the prime accused did not even allow his wife to leave the house does indicate that he never intended her to die. He also would state that according to the defacto complainant, the dowry demand was made some time in the year 2016. If the accused had intended the deceased to bring more dowry from her parents, then, he would have sent her out. That was not the case.

5. From these circumstances, one can come to the conclusion that the petitioners cannot be fastened with any penal liability for the unfortunate tragic act committed by the deceased. The ingredients of the offences under Sections 306 and 498A of IPC are absent in this case. The continuation of the impugned prosecution is not warranted. The impugned proceedings are quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

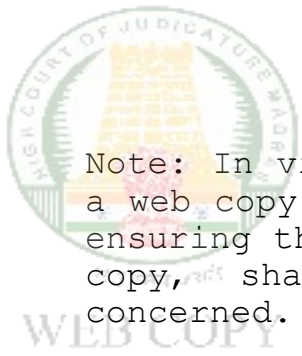
Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Fast Track Mahila Court, Dindigul.

2.The Inspector of Police,
Palani Town Police Station,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-38036[F] dated 09/12/2021)

CrI.O.P (MD)No.19480 of 2021
08.12.2021

RD(21.12.2021) 3P 5C