



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.20294 of 2021

Jothimurugan

... Petitioner/Accused No.2

Vs.

1.State rep. by

The Inspector of Police,
Cumbum South Police Station,
Theni District.

(Crime No.539 of 2021)

... 1st Respondent /Complainant

2.Mathan Kumar

... 2nd Respondent/

Defacto CComplainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to Crime No.539 of 2021 dated 17.10.2021 on the file of the 1st respondent police and to quash the same.

For Petitioners : Mr.S.Sundarapandian

For Respondents : Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R1.
Mr.S.Muthukumar for R2.

O R D E R

Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the first respondent and the learned counsel for the second respondent.

2.This criminal original petition has been filed for quashing the FIR in Crime No.539 of 2021 registered on the file of the first respondent.

3.The defacto complainant/Mathan Kumar is present before this Court in person. He has been duly identified by Mr.R.Nehru, Sub Inspector of Police attached to first respondent police station. The defacto complainant's father Mr.Manikandan committed suicide by consuming poison. He was working as sanitary worker in Cumbum municipality for over 22 years. He was having serious medical ailments. He was absent for duty for almost a month. When he reported for duty on 01.10.2021, the petitioner, who is sanitary supervisor said to have scolded him and also directed him to meet the Commissioner first. The office superiors appear to have been



little harsh on the defacto complainant's father. Feeling depressed, he committed suicide on 11.10.2021. That led to registration of Crime No.539 of 2021. In the said FIR, the Commissioner was shown as the first accused while the petitioner herein was shown as the second accused. Later alteration report was filed and the name of the first accused was deleted. The petitioner herein is said to be a relative of the deceased.

4.The offence under Section 306 of IPC can be invoked only if the accused had an intention that the deceased must die. The petitioner never had any personal motive against the deceased. He was working as sanitary supervisor while the deceased was working as a sanitary worker. Since the deceased was unauthorizedly absent for a month, the petitioner was bound to pull him up when he turned up for duty. For having discharged his official duty as an office superior, the petitioner cannot be fastened with any penal liability. Registration of the FIR against the petitioner is not warranted. The impugned FIR is quashed. The criminal original petition is allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

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.

Encl:Compromise Memo

USR 9873/21 dt. 17/12/2021

To:

- 1.The Inspector of Police,
Cumbum South Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AP(12.01.2022) 3P 3C

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