



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 26.02.2021

PRONOUNCE ON : 29.03.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAR

Crl.O.P.(MD)No.13409 of 2017

and

Crl.MP(MD)No.9025 of 2017

Rajaprabakaran

... Petitioner/Accused

Vs.

1.State rep by

The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

Crime No.86 of 2015)

... Respondent/Complainant

2.Rajalakshmi

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records quash the proceedings in S.C.No.39 of 2017, on the file of the Sessions Court (Mahila Fast Track Court), Virudhunagar at Srivilliputhur.

For Petitioner : Mr.V.Illanchezian

For R1 : Mr.R.Anandharaj
Additional Public Prosecutor

For R2 : Mr.D.Srinivasaragavan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.39 of 2017 on the file of the Sessions Court (Mahila Fast Track Court), Virudhunagar at Srivilliputhur.

2. Brief facts of the case:-

The case of the first respondent before the Trial Court through the final report, is briefly narrated as follows:-

i) The deceased was married to the accused namely, Rajaprabakaran on 10.11.2014 as per the Hindu rites and customs. At that time, the accused was working as an Accountant in 'Unique Asset Promoters and Estate India Limited Company', Nagercoil and both the deceased as well as the accused were residing in a rental house belongs to Santhi, who was working as Head Constable in the All Women Police Station, Nagercoil.

ii) Even before the marriage, the accused was residing in the upstairs portion of the house. In the ground floor, the owner, above mentioned Santhi was living. After marriage, the deceased developed doubt over the character of the accused as he was freely talking with the said Santhi and the other women in the neighbouring area. Thereby, there was a wordy quarrel between them and repeated



compromise was made between the parties. On a final occasion, after due compromise by the elders, the deceased was taken by the accused to the above said residence.

iii) Even after that, the accused was having the habit of talking freely with the women, and again trouble started. The accused also harassed the deceased stating that he is free to talk with any women and the deceased must tolerate that. Otherwise, she may die.

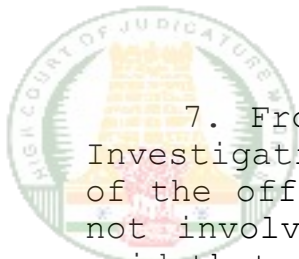
iv) Hence, she was driven out of the house and on 19.04.2015, the deceased came to her parental home and lived with them. On 22.04.2015, at about 11.00 a.m, because of the above said occurrence, she committed suicide. So, the accused has committed an offence punishable under Section 306 of IPC.

3. During investigation, 36 witnesses were examined. Only on the basis of the statement of the witnesses, the final report came to be filed. Seeking quashment of the final report, this petition is filed mainly on the ground that no allegation of abetment of suicide has been made and even as per the report of Revenue Divisional Officer, Sivakasi on 23.07.2015, there was no allegation of demand of dowry and no materials have been collected by the Investigating Officer for making out the offence against this petitioner.

4. Heard both sides.

5. Originally, the case was registered under Section 174 Cr.P.C and later, after investigation, it was altered to the offences under Sections 498 (A), 306 and 403 (B) IPC, wherein, along with this petitioner, other persons namely, Saroja, Ramakrishnan, Rajeswari and Santhi were also added as accused persons. But, later, as mentioned earlier, an alteration report was filed making allegation of abetment of suicide, only against this petitioner. Now, only the present petitioner is facing the trial before the Trial Court.

6. Marriage between the parties, is not denied and it is also not denied that the deceased had committed suicide. The only allegation that has been made by the Investigating Officer, against this petitioner is that the petitioner was having habit of freely talking with the women in the neighbouring area as well as the owner of the house, where the parties were living, which was not tolerated by the deceased and on the particular day, quarrel arose between the parties and this petitioner alleged to have stated that he is free to talk with any women and the deceased must tolerate the same, otherwise, she may go and die. According to the petitioner, this may not attract the offence under Section 306 IPC. Whether these words coupled with the other circumstances that were prevailing at the time of suicide, which were created by the petitioner instigated the deceased to commit suicide is a question of fact. That can be decided only during the course of trial.



7. From the narration of the above facts, it is seen that the Investigating Officer had taken care to not only alter the Section of the offence, but, also in deleting the accused persons, who were not involved in the commission of the offences. So, it cannot be said that the investigation is not proper. Sufficient materials have been collected by the Investigating Officer by recording the statements of the witnesses as mentioned earlier. Simply, because the Revenue Divisional Officer, Sivakasi has filed a report stating that no harassment of dowry took place it cannot be a matter for considering the quash petition. As mentioned earlier Section 498(A) was also deleted by the Investigating Officer. So, this fact will not help the petitioner to quash the charge sheet. Moreover, no compelling or ex-ordinary circumstance has been brought on record by the petitioner for quashing the criminal proceedings.

8. So, I am of the considered view that this is not a fit case to exercise the jurisdiction under Section 482 Cr.P.C, to quash the charge sheet. Hence, I find no merit in this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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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 Sessions Court (Mahila Fast Track Court),
Virudhunagar at Srivilliputhur.

2.The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

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

Crl.O.P. (MD)No.13409 of 2017 and
Crl.MP (MD)No.9025 of 2017
29.03.2021

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