



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9711 of 2022
and Crl.M.P.No.5701 of 2022

1. M.Thangavel

2. Radha

...Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.
(Crime No. 448 of 2021)

2. Valli

...Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records relating to the Crime No.448 of 2021 on the file of the Adiyamankottai Police Station, Dharmapuri District and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.M.Guruprasad

For Respondents : Mr.A.Gokulakrishnan

Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to call for the records relating to the Crime No.448 of 2021 on the file of the Adiyamankottai Police Station, Dharmapuri District and quash the same.

2. The case of the prosecution as per the defacto complainant, Valli is that her daughter was having love affair with one Muralidharan for the past 12 years and the said Muralidharan later refused to marry the daughter of the defacto complainant. Thereby, the victim girl had gone in front of the house of Muralidharan and committed suicide by consuming insecticides.



3. Learned counsel for the petitioners would submit that the petitioners, who are arrayed as A1 and A3 in this case, are the parents of one Muralidharan/A2. Based on the complaint given by the defacto complainant, a case in Crime No.448 of 2021 was registered for the offences under Section 174 of IPC. Later, it was altered to the offence under Section 306 of IPC. He would further submit that the petitioners had no role to play in this case. However, it is alleged by the defacto complainant that there was a love affair between the son of the petitioners and the defacto complainant's daughter and thereby, the petitioners have been unnecessarily roped in this case.

4. Learned Additional Public Prosecutor would submit that the son of the petitioners was having love affair with the victim girl for the past 12 years and that the petitioners were very much aware of the relationship, have refused for the marriage and thereby, the victim girl had committed suicide by consuming insecticides. He would further submit that the investigation is in initial stage and the investigation has to be done in other aspects also. Thereby, he would oppose for quashing FIR.

5. Heard the learned counsel and perused the materials available on record.

6. It is seen from the First Information Report that there are specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Therefore, it cannot be quashed on the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such, this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7. It is the case of the petitioners that they are the parents of the main accused and they have no role to play in this case. Taking into consideration the facts and submission made by the learned counsel, this Court is of the opinion that the respondent police may be directed to conduct the investigation with regard to the role played and the involvement of the petitioners with regard to the relationship between A1 and the deceased.

8. In view of the above, this Court is not inclined to quash the FIR in Crime No. 448 of 2021. Accordingly, this



criminal original petition is disposed of. Consequently, connected miscellaneous petition is also closed. Further, the first respondent police is directed to conduct investigation with regard to the involvement of the petitioners and the role played by them in Crime No. 448 of 2021 and complete investigation and file the final report as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rgi

To

1. The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District
2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M.Guruprasad, Advocate sr 30393.

Cr1.O.P.No.9711 of 2022
and Cr1.M.P.No.5701 of 2022

SKM(CO)
SP(17/05/2022)