



WEB COPY



Crl.O.P.No.15836 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.15836 of 2021 and
Crl.M.P.Nos.8635 & 8636 of 2021

1.P.Vijayakanth
2.Prasanth @ Eli

... Petitioners

Vs.

1.State Rep by
The Inspector of Police,
B-4, Sevvapet Police Station,
Tiruvallure District.

2.P.Manoharan

...

Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in S.C.No.30 of 2020 on the file of the learned District and Sessions Judge, Mahila Court, Tiruvallure and quash the same.

For Petitioners : Mr.P.Manikannan

For Respondents : Mr.A.Damodaran, APP for R1

ORDER

This Criminal Original Petition has been preferred to call for the records in S.C.No.30 of 2020 on the file of the learned District and Sessions Judge, Mahila Court, Tiruvallure and quash the same.

2.



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Heard Mr.P.Manikannan, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the first respondent.

3. The case of the prosecution is that the first accused used to harass the victim by explicit sexual overtures and stalk her despite a clear indication of refusal was given from her side. Unable to withstand the harassment caused by the first accused, the victim girl who was aged about 17 years had committed suicide. On the complaint given by the father of the deceased, a case was registered in Crime No.166 of 2015 under Section 306 of I.P.C. and after completing the investigation, the charge sheet was filed for the offence under Sections 354(A), 354(D) and 306 of I.P.C.

4. The learned counsel for the petitioners submitted that the deceased victim girl had a love affair with the first accused and that was objected by her parents; therefore, she committed suicide; the first accused and the deceased had many happy memories between themselves and this case is a false one; the said incident occurred at the house of the deceased and during the relevant point of time, the petitioners were not present at the scene of occurrence; in



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order to prove the offence under Section 306 of I.P.C., two essential ingredients viz., (i) *the abetment*; (ii) *the intention of the accused to aid or instigate or abet the deceased to commit suicide* should be attracted; in the said case, the materials to prove the above said aspects are not available and hence, no purpose will be served by putting the petitioners under trial.

5. On perusal of the records, it is seen that the mother of the deceased victim Monisha has stated that prior to the occurrence, the deceased told her mother that she would not go to school because of the harassment caused by the accused on her way to school. Immediately after a week, Monisha was seen to have committed suicide. In the inquest report also, it has been opined that the deceased had committed suicide. The above materials available on record would show that it is a fit case for trial and the prosecution had filed the charge sheet based on the materials available against the petitioners/ accused 1 and 2. Unless the accused are subjected to trial and the witnesses are examined, the exact involvement of the accused cannot be found out. It is to be noted that the case has been filed against the petitioners not only for the offence under Section 306 of I.P.C. and also for the offences under Section 354(A) for outraging the modesty by using criminal force and Section 354(D)



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for stalking. Since there are sufficient reasons for subjecting the petitioners for trial, I do not find that it is a fit case to be quashed at the threshold stage.

6. In the result, this Criminal Original Petition is dismissed. Taking into consideration of the age of the petitioners, the learned District and Sessions Judge, Mahila Court, Tiruvallure, is directed to conclude the trial within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

28.09.2022



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To

- 1.The District and Sessions Judge,
Mahila Court, Tiruvallure.
- 2.The Inspector of Police,
B-4, Sevvapet Police Station,
Tiruvallure District.
- 3.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.

gsk

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