



CrI.O.P.No.15739 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

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THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

CrI.O.P.No.15739 of 2019

1.T.Subbaian

2.P.S.Senthilkumar

... Petitioners

Vs.

1.State Rep.by

The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
Crime No.75 of 2019

2.C.Ramasamy

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records relating to the impugned Crime No.75 of 2019 on the file of the 1st respondent police, quash the same.

For Petitioners : M/s.Manoharan N.

For R1 : Mr.N.S.Suganthan
Government Advocate (CrI.Side)



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ORDER

This Criminal Original Petition is filed to quash the criminal complaint against the petitioners. Initially the respondent police, who registered the complaint in Crime No.75 of 2019 under Section 174 of Cr.P.C., has filed alteration report by altering Section 174 of Cr.P.C., to Section 306 I.P.C.

2. It is a case, where one Ramasamy, husband of the deceased gave a complaint to the respondent police on 18.02.2019 at about 12.00 noon informing the suicidal death of his wife and her attempt to kill her two minor daughters by administering poison.

3. According to the complaint, the deceased Tamil Selvi was forced to commit suicide, since there was a wordy quarrel between her and the petitioners herein on 15.02.2019 regarding grazing the cattle in the land of the deceased. At that time, it is alleged that the petitioners have abused her in filthy language. Since then, for three days the deceased Tamil Selvi was found very depressed and had taken the extreme decision



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to end her life. In view of the above facts, the charge was altered and reported before the Magistrate through communication dated 24.03.2019.

4. Subsequently, the 1st petitioner herein had reported to the higher officials including the Home Secretary alleging the police is harassing him in connection with the investigation. Thereafter, the police has taken the survived minor girls to the Magistrate and recorded their statements under Section 164 of Cr.P.C.. Certain new facts found in their statement implicating these petitioners. Particularly one of the minor daughters of the deceased had stated about the property dispute between the petitioners and the *de facto* complainant and quarrel alleged to have been occurred on 15.02.2019.

5. The learned counsel for the petitioners submitted that the deceased on behalf of the minor children had instituted a Suit to declare the sale deed in favour of the petitioners as null and void and same is pending. There is enmity between the deceased family and the petitioners family and in fact the *de facto* complainant, who is the husband of the



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deceased was not even living with the deceased at the time of occurrence.

The deceased and her children were deserted by the *de facto* complainant which was the real cause for her suicide.

6. The learned Government Advocate (Crl.Side) produced the CD file stating that the police has completed the investigation and prepared the draft final report, however, not filed it in the Court in view of the interim stay order passed by this Court in the quash petition.

7. The learned counsel for the *de facto* complainant would submit that there was feud between the petitioners and the deceased. Alleging the petitioners have grabbed the land of the deceased, suit was filed and same still pending. Few months prior to the incident, the deceased was brutally attacked by these petitioners and prior to the death, she was abused in filthy word causing depression, abetting her to commit suicide. This has been spoken by the witnesses and the genuineness of the statement to be tested in the trial and the case is not fit to quash without trial.

8. Perusal of the CD file produced by the learned Government



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Advocate (Crl.Side), this Court finds that some of the witnesses have stated that on 15.02.2019, A1 abused the deceased saying “அப்படிதான்டி தேவடியா மேய்பேன் நீ என்னடி கேட்கறது நீ இப்ப வந்தவ.” and A2 has abused saying “என்னடி தேவடியா வாய் பேசற நீ இருந்தால்தான்டி எங்களை கேள்வி கேட்ப செத்து தொலை”.

According to the prosecution, this occurrence led Tamilselvi to commit suicide after three days. The statement of the witnesses even held to be true, these two utterances will not amount to abetment to commit suicide, that too after three days of utterance.

9. In the light of the above facts, this Court finds that it is a clear case where the power under Section 482 of Cr.P.C., to be exercised to prevent abuse of law to settle a civil dispute. Accordingly, this Criminal Original Petition is allowed. Crime No.79 of 2019 on the file of the 1st respondent is quashed.

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Index: Yes/No
Speaking Order/Non Speaking Order



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Dr.G.JAYACHANDRAN, J.

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To

1.The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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