



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26048 of 2019

and

Crl.M.P.No.13866 of 2019

Shivashankar

..Petitioner/Accused

Vs.

1.State rep.by
The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai.
Crime No.107 of 2019

2.Sathiya Priya

..Respondents/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the FIR in Crime No.107 of 2019 on the file of the 1st respondent police.

For Petitioner : Mr.N.R.Elango, Senior counsel
for M/s.Sriram

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

O R D E R

The petitioner herein, who is arrayed as accused in Crime.No.107 of 2019, registered under Section 307 of IPC, has filed this petition to quash the First Information Report.

2. The case is where one Nithya aged about 27 years committed suicide by hanging, which came to light two days thereafter. The Sister of the deceased has given a complaint to the respondent police suspecting the petitioner herein as an accused for the suicidal death of Nithya.

3. The learned Senior counsel appearing for the petitioner after reading the entire First Information Report



would state that the F.I.R does not indicate any prima facie material that the deceased committed suicide at the instigation of the petitioner / accused. The complaint only discloses that the deceased was living away from the family members, had developed an affair with the petitioner herein and later she came to know that the petitioner is already married, but suppressed the same and married the deceased. On the face of it even if the complaint has taken as proof, the petitioner herein cannot be prosecuted under Section 307 of IPC.

4. However, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that the investigation is completed and the suicide note has been recovered from the room of the deceased. On completion of the investigation, a draft final report is made ready for filing. The CD file is also circulated for perusal.

5. On considering the material collected by the Investigating Officer, this Court finds that it is not a case for quash, since the investigation agency has collected the material based on the complaint, which has provided enough evidence for laying final report. However it is open for the petitioner herein to workout his remedy on receipt of the documents relied by the prosecution once the final report is filed.

6. In the result, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpl
To,

1.The Inspector of Police,
J-6, Thiruvannamipur Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.26048 of 2019
and Crl.M.P.No.13866 of 2019

sr(CO)
A.SK(06/07/2022)