



Crl.O.P.No.29229 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.29229 of 2022

Muthukumar

... Petitioner

Vs.

1. State rep. by its,
The Inspector of Police,
Kolathur Police Station,
Salem District.
(Cr. No.171 of 2022)

2. Muthusamy

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in Crime No.171/2022 on the file of the first respondent and quash the same.

For Petitioner : Mr.C.Deepak Kumar

For Respondent 1 : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

This petition has been filed to call for the records pertaining to the case in Crime No.171/2022 on the file of the first respondent and quash the same.

2. The petitioner is the second accused in the case registered in Cr. No.171 of 2022 for the offences under Section 174 IPC altered to 302 IPC., the *de facto* complainant and the second accused are the brother and wife of the deceased respectively.

3. The learned counsel for the petitioner submitted that there are no materials available against the petitioner to implicate him in this case for the offences under Section 302 IPC; the petitioner does not have any motive or intention to murder the deceased Sakthivel and there is no overt act against the petitioner; the second accused / petitioner has been implicated in this case based on the confession given by first accused that she was having illegal relationship with him; even as per the case of the prosecution it is the first accused who had mixed the poison in the food of the deceased Sakthivel; since there is no *prima facie* case made out, the case against the



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petitioner should be quashed.

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4. The learned Additional Public Prosecutor submitted that the investigation in this case is almost completed and charge sheet yet to be filed.

5. On perusal of the records, it is seen in the alteration report that there are materials available to show the involvement of the second accused in the death the deceased. The second accused had illegal intimacy with the first accused and that is the reason for the murder of Sakthivel. Since the alleged occurrence involves the second accused who is said to be the person having illegal intimacy with the first accused, it cannot be said that there is no material *prima facie* available to rope the petitioner in this case.

6. This is not a case where the case of the prosecution as against the petitioner is unbelievable or without any basis. Unless the investigation is allowed to go, many other facts surrounding the death of the deceased may not be unearthed. Hence, I do not find any reason to quash the First



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Information Report against the petitioner at the threshold stage itself by
ruling out the involvement of the second accused in the occurrence.

7. Accordingly, this Criminal Original Petition is dismissed.

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Index: Yes/No
Internet: Yes/No
bkn



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To

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1. The Inspector of Police,
Kolathur Police Station,
Salem District.

2. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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