



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1976 of 2022

and

Crl.M.P(MD)No.1441 of 2022

Maheshwaran ... Petitioners/Sole-Accused
Vs.

1.The State represented by
Inspector of Police,
Bazaar Police Station,
Ramanathapuram District. ...1st Respondent/Complainant

2.Saraswathi ...2ndRespondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records and quash the F.I.R in Crime No.483 of 2021, on the file of the Inspector of Police, Bazaar Police Station, Ramanathapuram District.

For Petitioner : Mr.C.Muthu Saravanan
For Respondents : Mr.B.Thanga Aravindh
Govt. Advocate (Crl. Side) for R1

O R D E R

Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

2.Considering the nature of the relief to be granted, issuance of notice to the second respondent is dispensed with.

3.The petitioner is figuring as an accused in Crime No.483 of 2021, registered on the file of Bazaar Police Station, Ramanathapuram. The defacto complainant is none other than the petitioner's mother-in-law. The petitioner got married to the daughter of the defacto complainant in the year 2019, one Sugantha. The petitioner's wife committed suicide on 07.11.2021 and she later died. Initially, the FIR was registered for the offences under Sections 294 (b) and 498 A of Indian Penal Code and later, an alteration report was filed adding Section 306 IPC also. To quash the same, this Criminal Original Petition has been filed.

4.The learned Counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds. To me they are highly persuasive. But, they are factual in nature.



5.Relief can be granted to the petitioner only if the materials now placed by the petitioner are taken into account by the first respondent. For instance, the Whatsapp status of the deceased on the eve of her suicide is clearly exculpatory as far as the petitioner is concerned. Of course, in quash petition filed at the FIR stage, I am not in a position to take into account the Whatsapp status. But, the Investigation Officer can certainly do so.

6.The petitioner would further contend that since Sugantha, his wife could not clear NEET Exam and therefore, could not join Post Graduation, she got into a kind of depression and eventually, ended her own life. This version given by the petitioner cannot be brushed aside. It deserves to be looked into. In the FIR also, one of the allegations made by the defacto complainant is that the petitioner compelled his wife to consume certain food items, which were not to the liking of the deceased.

7.Therefore, the petitioner is permitted to place all the materials in his possession before the first respondent. The first respondent shall take into account all the contentions set out in the memorandum of grounds and set out in the statement to be made by the petitioner herein, and thereafter, file the final report. Merely because the wife has died within three years from the date of marriage, that does not automatically denote anything. The investigation has to carefully unearth the truth.

8.The first respondent is directed to file the final report on merits and in accordance with law within a period of three months from the date of receipt of copy of this order.

9.I also place on record the submission made by the learned Counsel appearing for the petitioner that he is very much ready to return the car, jewels and other household articles belonging to the deceased to the second respondent. The jurisdictional Deputy Superintendent of Police is directed to take over the investigation. All the contentions of the petitioner left open.

10.With these directions, this Criminal Original Petition stands disposed of. Consequently, the connected Miscellaneous Petition is also closed.

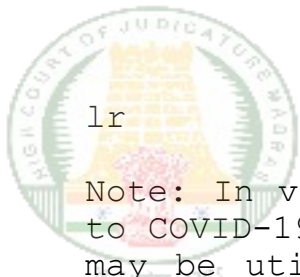
Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



lr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The State represented by
Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.

Copy to

1. The Deputy Superintendent of Police,
Ramanathapuram.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.MUTHU SARAIVANAN, Advocate (SR-4052[F] dated 03/02/2022)

CrI.O.P (MD)No.1976 of 2022
02.02.2022

VR(CO)
TR(07.02.2022) 3P 5C