



Crl.O.P.No.20714 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.20714 of 2018

and

Crl.M.P.No.11166 of 2018

1. Velangkanni
2. Kishore

...Petitioners

-Vs-

The State represented by
The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District.
(Crime No.639/2017)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the complaint in P.R.C.No.6 of 2018 on the file of the Judicial Magistrate No.I, Dharmapuri and quash the same as far as the petitioners are concerned.

For Petitioners

: Mr.V.Sakkarapani

For Respondent

: Mr.L.Baskaran

Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed calling for the records relating to the complaint in P.R.C.No.6 of 2018 on the file of the Judicial Magistrate No.I, Dharmapuri.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

3. The case of the prosecution is that on 08.06.2017, one Kruthiga along with her uncle went to Kadathur by a two wheeler for distributing wedding invitations to their relatives. While returning back to their home, they stopped the two wheeler for urinating and at that juncture, the deceased and two of his friends came to that place and snatched the chain from the said Kruthiga and escaped from the place of occurrence. Immediately, it was informed to the petitioners and they have chased away the deceased. While chasing, the deceased hit on a big stone and fell down, due to which he sustained head injury and died. Thereafter, the petitioners had taken the deceased body through two wheeler and thrown



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the body near Thadangam Fly over bridge. Hence, the complaint.

Initially, the FIR was registered under Section 174 Cr.P.C. After seeing the body, the offence was altered into Sections 201 and 304(2) IPC.

4. It is seen that the said Kruthiga or her uncle did not lodge any complaint as against the deceased or two other friends. No FIR has been registered for snatching of her chain. According to the said Kruthiga, she informed to the petitioners about the chain snatching when they were sitting together. Immediately, the petitioners along with other villagers went to the place of occurrence and made search of the accused. Later, they found that the deceased and his friends were drinking alcohol in the place of Vennampatti Village, Ashok Nagar, behind the land which belongs to one Govindaraj. After seeing the petitioners and the villagers, they immediately ran away. While chasing, the deceased hit on a big stone and fell down. Therefore, he sustained grievous injuries and died. Thereafter, the deceased body was taken and thrown away near the Thadangam Fly over bridge. Initially, the respondent had registered the FIR under Section 174 Cr.P.C and after completion of investigation, the final report has been filed for the offences under Sections 201 and 304(2)



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IPC. Now it is pending for committal in P.R.C.No.06 of 2018, on the file of the Judicial Magistrate No.I, Dharmapuri.

5. Admittedly, the said Kruthiga or her uncle did not lodge any complaint. After her chain snatching, it was informed only to the petitioners and other villagers. Thereafter, the deceased body was found near the Thadangam Fly over bridge. In fact, the said Kruthiga was not examined by the prosecution and no statement was recorded from the said Kruthiga or her uncle. No evidence is available to fix the petitioners as accused. Only on the confession statement recorded from the petitioners, the respondents completed the investigation and altered the offences under Sections 201 and 304(2) IPC. Except the confession statement, no evidence has been produced by the prosecution to sustain the charges under Sections 201 and 304(2) IPC as against the petitioners.

6. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were charged on the basis of unimpeachable incriminating material came across during the course of investigation. Though the petitioners had pleaded for quashing of the



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charge sheet, it was not filed by any malice or motive. Other evidences are clearly corroborated with the confession statement of the petitioners.

Thus, it is clear that only while chasing the deceased by the petitioners, the deceased fell down and sustained grievous injuries. Due to the grievous injuries, he died. Immediately, the petitioners had taken the body and thrown under the Thadangam fly over bridge. Therefore, it is not a fit case for quashment.

7. A perusal of records revealed that except the confession statement, no other material was produced by the prosecution to substantiate the offences under Sections 201 and 304(2) of IPC. As stated supra, the said Kruthiga was not examined and no statement was recorded from her, in order to substantiate the contention as if her chain was snatched by the deceased and the same was informed to the petitioner along with other villagers and thereafter, they found that the deceased and two other friends were consuming alcohol and immediately after seeing the petitioners and other villagers they ran away from that place. Further, no complaint was lodged by the said Kruthiga for snatching of her chain. No recovery was made from the deceased or from



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his two friends. Therefore, there is absolutely no evidence to proceed with the Trial as against the petitioners. In order to solve the crime, the petitioners have been falsely implicated as accused with a story.

8. Therefore, the entire proceedings cannot be sustained as against the petitioners and is liable to be quashed. Accordingly, the proceedings in P.R.C.No.6 of 2018 on the file of the Judicial Magistrate No.I, Dharmapuri is hereby quashed.

9. In the result, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous petition is closed.

10.10.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

1. The Judicial Magistrate No.I, Dharmapuri.
2. The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District.

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and
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