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Crl.O.P.No.6009 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.6009 of 2022
and Crl.MP.No.3346 of 2022**

Yoganath (31 years)
S/o. Ashok Kumar

.. Petitioner/Accused No.2

Vs.

1.The State of Tamil Nadu rep.by
Inspector of Police
Natrampalli Police Station
Thirupathoor District.

2.The State of Tamil Nadu, rep.by
Deputy Superintendent of Police
Vaniyambadi, Thrupathoor District.

3.Saravanan
S/o. Raji Gounder

.. Respondents/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the FIR in Crime No.54 of 2021, on the file of the 1st respondent (originally under S.174(3) Cr.PC., subsequently modified as S.306 IPC on 9.6.2021 by the 2nd respondent), wuash the same, insofar as the petitioner/A2 is concerned.



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For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.A.Gopinath
Government Advocate for R1, R2

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.54 of 2021, pending investigation on the file of the 1st respondent.

2.A complaint came to be given to the respondent police to the effect that the petitioner (A2) was married to the deceased in the year 2016. The petitioner is said to be addicted to drugs. This was taken advantage by his friends and one Ramachandran seems to have developed an illicit relationship with the wife of the petitioner. This affair came to be known to another friend named as Nithish and he started harassing the wife of the petitioner. Ultimately, the wife of the petitioner was not able to bear with the harassment of Ramachandran and Nithish and hence, she committed suicide by hanging.

3.The FIR was registered initially u/s.174(3) Cr.PC, on 21.2.2021. Subsequently, it was altered to offence u/s.306 IPC and three accused persons were added in the FIR and the petitioner was arrayed as A.2.



4. Heard Mr.R.Selvakumar, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate for R1 and R2.

5. When the matter came up for hearing on 17.03.2023, this Court passed the following order:

The case of the petitioner is that the petitioner got married to victim/Sandhiya on 02.02.2016 and out of the wedlock, they have begotten two children. After the birth of their children, the victim had developed illicit relationship with one Ramachandran and they were continuing their relationship. Later one Nithish, friend of Ramachandran, who came to know about the affair between Ramachandran and the victim, had started to harass her. Unable to bear the harassment by both Ramachandran and Nithish, the wife of the petitioner had committed suicide by hanging.

2. An enquiry was conducted by the Revenue Divisional Officer/Sub Collector and he concluded that the victim/viz petitioner's wife had committed suicide due to constant harassment made by the said Ramachandran and Nithish. Since, no action has been taken against them, the petitioner had sent a representation along with certain materials to the Superintendent of Police, Thirupathoor District, to prove the harassment by Ramachandran and Nithish.

3. However strangely without taking action against the accused person, the respondent police has falsely implicated the petitioner as



one of the accused in this case. The petitioner having lost his wife is now unnecessarily put to harassment.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on records.

5. There shall be an order of interim stay of all further proceedings in Crime No.54 of 2021 on the file of the 1st respondent Police in respect of the petitioner alone.

6. List this case after four weeks.

6. It is clear from the above order that the actual harassment was done by A1 and A3 and in fact the petitioner had also given a representation in this regard to the Superintendent of Police. Unfortunately, the wife of the petitioner committed suicide since she was not able to tolerate the harassment. Even the RDO report makes it clear that the suicide was committed only due to the constant harassment of A1 and A3.

7. This Court does not find any materials against the petitioner (A2) and hence, the continuation of investigation as against A2 will only amount to an abuse of process of law. The respondent police must record the statement of the petitioner (A2) by treating him as a witness in this case u/s.161(3) Cr.PC.



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8. In the result, this criminal original petition is allowed and the FIR in Crime No.54 of 2021, on the file of the 1st respondent is quashed insofar as the petitioner (A2) is concerned and there shall be a direction to the 1st respondent to complete the investigation and to file a final report insofar as A1 and A3 are concerned. This process shall be completed within a period of six weeks from the date of receipt of copy of the order. Consequently, connected miscellaneous petition is closed.

04.09.2023

Internet: Yes/No

Index : Yes/No

Neutral Citation: Yes/No

KP

To

1. Inspector of Police
Natrampalli Police Station
Thirupathoor District.
2. The Deputy Superintendent of Police
Vaniyambadi, Thirupathoor District.
3. The Public Prosecutor
High Court of Madras.



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N.ANAND VENKATESH, J

KP

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