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Crl OP No.13851 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.13851 of 2021

and

Crl.M.P.No.7558 of 2021

C. Shanmugam

... Petitioner / Accused

Versus

1.The State Rep. by

The Inspector of Police,
Nambiyur Police Station,
Erode District.

(Crime No.304 of 2018)

... 1st Respondent / Complainant

2.Parvathi

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to SPL.S.C.No.24 of 2019 on the file of the Mahila Court, Erode and to quash the same.

For Petitioner

: Mr. G. Babu

For R1

: Mr. A. Damodaran,

Additional Public Prosecutor

For R2

: No appearance



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ORDER

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This Criminal Original Petition has been filed seeking to quash the impugned proceedings in Spl.S.C.No.24 of 2019 on the file of the Mahila Court, Erode.

2.It is alleged in the final report that the petitioner had harassed the deceased / 2nd respondent's daughter and compelled her to marry him and on account of the said harassment, the deceased is said to have committed suicide.

3. The learned counsel for the petitioner submitted that the entire case is false. He pointed out to certain communications between the petitioner and the deceased, in support of the submission that, the petitioner had not harassed the deceased. The learned counsel also pointed out the suicide note written by the deceased, wherein certain statements were made suggesting that the petitioner is not guilty of any of the offences alleged. Hence, he prayed for quashing of the impugned proceedings.



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3. The learned Additional Public Prosecutor appearing for the 1st respondent, per contra, submitted that the question as to whether the suicide note was written by the deceased voluntarily or was written under compulsion as alleged in the final report has to be adjudicated only before the trial Court. Hence, he prayed for dismissal of the quash petition.

4. This Court is of the view that the points raised by the learned counsel for the petitioner are factual in nature. The petitioner's case is that the suicide note and other documents would show that he had absolutely no role in the suicide said to have been committed by the deceased. The petitioner is at liberty to raise all the points before the trial Court and hence, this Court is not inclined to entertain this quash petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

22.06.2023

smv

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To

- 1.The Inspector of Police,
Nambiyur Police Station,
Erode District.
- 2.The Mahila Judge, Erode.
- 3.The Public Prosecutor
High Court of Madras.



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SUNDER MOHAN, J

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