



Crl.O.P. No.20744 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl. O.P.No.20744 of 2022

Sadaiyaraj

S/o. Late Gopalsamy

.. Petitioner

Vs.

1.State represented by its
The Inspector of Police,
Bhavani Police Station,
Erode District.

2.Shanthimani

W/o.Late Weslin

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records and to quash the charge sheet dated 31.05.2017 in S.C.No.62/2022 pending on the file of the Subordinate Judge, Bhavani.

For Petitioner : Mr. R. Ganesan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor[R1]
Mrs.P.Abirami [R2]



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ORDER

WEB COPY This Criminal Original Petition has been filed seeking to quash the charge sheet dated 31.05.2017 in S.C.No.62/2022 pending on the file of the Subordinate Judge, Bhavani.

2. When the matter came up for hearing on 02.09.2022, this Court passed the following order:

"The petition has been filed to call for the records and quash the charge sheet filed on 31.05.2017 in S.C.No.62 of 2022, for the offence under Section 420 r/w 306 I.P.C.

2. Learned counsel for the petitioner would submit that he is the borrower of the amount, he owe Rs.27 lakhs and in fact he agrees to pay the said amount of Rs.27 lakhs, whereas, the deceased died due to heavy alcoholic consumption. However, based on the letter addressed by the deceased to the Inspector General of Police, which was returned to the addressee for want of sufficient address, F.I.R. came into existence. Therefore, there is no material to infer the offence of suicidal death. Even the entire material is taken on its face value, it would not attract offence under Section 306 I.P.C as against the petitioner.

3. Learned counsel further submits that the petitioner is ready to deposit a demand draft for Rs.27 lakhs payable by him before the next date of hearing.

4. Considering the above submissions of the learned counsel for the petitioner, Notice is ordered to the 2 nd respondent / defacto complainant through Court as well as privately, returnable on



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30.09.2022.

5. Post the matter on 30.09.2022."

3. When the matter was taken up for hearing today, both the petitioner and second respondent were present before this Court. Three (3) demand drafts totalling a sum of Rs.27,00,000/- were handed over to the learned counsel for second respondent. The second respondent submitted that the matter has been compromised with the petitioner. The petitioner was also present before this Court.

4. In the light of the above development, no useful purpose will be served in keeping the proceedings in S.C.No.62/2022 pending on the file of the Subordinate Judge, Bhavani.

5. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.62/2022 pending on the file of the Subordinate Judge, Bhavani, is quashed. There shall be a direction to the petitioner to pay a sum of Rs.5,000/- [Rupees Five Thousand only] as costs, to the credit



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of the **President, Advocates Clerk Association, Ponneri, Ponneri Taluk, Thiruvallur District, (The Kancheepuram Central Co-operative Bank Ltd., Ponneri Branch, A/c No.717907005 IFSC Code:TNSC0010200).**

within a period of two (2) weeks from today and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

6. The demand drafts that were handed over to the second respondent shall be deposited and encashment of the same shall be reported to this Court.

Post this case under the caption 'for reporting compliance' on 30.08.2023 at 02.15 p.m.

16.08.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
gm

To

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1. The Judicial Magistrate,
Subordinate Court, Bhavani.

2. The Inspector of Police,
Bhavani Police Station,
Erode District.

3. The Public Prosecutor
High Court of Madras.

N.ANAND VENKATESH, J



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