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Crl OP No. 21242 / 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Criminal Original Petition No. 21242 of 2021
and
Crl.M.P. No. 11510 of 2021

G.K. Baskaran

... Petitioner

Versus

1. The State by the,
Deputy Superintendent of Police,
Dharmapuri Sub-Division,
Dharmapuri.
(Crime No.901 of 2016)

2. Rajammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records relating to S.C. No. 103 of 2017 on the file of the Additional District & Sessions Judge, Dharmapuri and quash the final report.

For Petitioner : Mr. B. Kumarasamy.

For Respondents : Mr. A. Damodaran,
Additional Public Prosecutor for R1.

No appearance for R2.



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ORDER

The petition is to quash the final report for the alleged offence under Sections 306 of the Indian Penal Code and 3 (2)(v) of the Scheduled Caste / Scheduled Tribe (Prevention Of Atrocities) Amendment Act, 2015.

2.It is alleged in the final report that the petitioner and the deceased by name Nadhiya had illicit relationship and the petitioner had promised the said Nadhiya that he would ensure that she passes the computer examinations and thereafter deserted her; that aggrieved by the said conduct of the petitioner, the said Nadhiya along with her husband had committed suicide by hanging after giving poison to their children.

3.The learned Counsel for the petitioner submitted that even if the entire allegations are accepted to be true, the conduct of the petitioner cannot be said to be abetment of suicide. The prosecution has not produced any material or evidence in support of the final report to show that the petitioner abetted the alleged suicide committed by the said



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Nadhiya and others. The suicide note relied upon by the respondent police has also not been sent for comparison by the hand-writing expert.

The prosecution has not conducted any investigation in that regard and hence he prayed for quashing the final report.

4.The learned Additional Public Prosecutor, per contra, submitted that there are allegations in the impugned final report to show that the offence alleged are made out. Hence, the matter has to be adjudicated only before the trial Court.

5.Though notice has been served on the second respondent, none has entered appearance on her behalf.

6.The points raised by the petitioner that there is no material available in the final report to implicate the petitioner for the alleged offence and that further there is no material to show that the alleged suicide note was written by the deceased, can be adjudicated only before the trial Court. The petitioner is at liberty to raise all his points before the trial Court in support of his submissions that no offence under Section 306 of the Indian Penal Code is made out. Since the case is



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pending from the year 2017 onwards, the learned Additional District and Sessions Judge may conduct the trial as expeditiously as possible and in any event complete it preferably within a period of six months from the date of receipt of a copy of this order. The appearance of the petitioner before the trial Court is dispensed with unless the learned Judge considers his presence necessary for the progress of the trial.

7. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

16.06.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Deputy Superintendent of Police,
Dharmapuri Sub-Division,
Dharmapuri.
2. The Additional District & Sessions Judge,
Dharmapuri.
3. The Additional Public Prosecutor,



High Court of Madras,
Chennai.

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SUNDER MOHAN, J

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