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CrI.O.P.No.22183 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.22183 of 2023

Sathiyamoorthy

.. Petitioner/Accused

/versus/

1.State represented by:
The Inspector of Police,
Magaral Police Station,
Kancheepuram,
Crime No.239 of 2018

.. 1st respondent/
Complainant

2.Sarmila

.. 2nd respondent/
Defacto Complainant

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in S.C.No.49 of 2021 on the file of the Sessions Judge, Mahila Court, Chengalpet and to quash the same.

For Petitioner :Mr.K.Selvaraj

For Respondents :Mr.S.Udayakumar
Government Advocate for R1



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ORDER

The petition is filed by the sole accused Sathiyamoorthy in the case under trial for the Sessions Court, Mahila Court, Chengalpet in S.C.No.49 of 2021. The victim girl got married to the petitioner. Suspecting marital affairs of her husband, the victim girl had picked quarrel with her husband and that has ended in physical assault and pouring diesel on the victim girl and the accused has set fire and the nighty of the victim got fire. He got panic, rushed to the bathroom, carried water and doused it immediately. The victim girl was taken to the hospital, treated as in-patient for 15 days and got discharged. The Doctor, who has examined the victim girl, had certified that the injury is grievous in nature. After completion of investigation, final report has been filed and it is now ripe for trial.

2. At this juncture, the petitioner has approached this Court to quash the complaint on two grounds. First, it is not a case of attempt to murder. Even according to the witnesses in this case, it is on sudden provocation. During the domestic quarrel incident has been taken place. Once, the victim girl got fire, it was the accused, who doused the fire and saved her from further injury. So, he never had an intention to kill her, hence, it does not attract the offence under Section 307 of IPC. Secondly, it is contended that after the incident they are



living together with their son by name, Sivasakthi and a daughter by name Dhanu Sri. The children are attending school and taken care by the petitioner and the victim girl.

3. The learned counsel appearing for the petitioner further submitted that the extreme act of the petitioner during domestic quarrel though caused grievous injury to the victim, she was saved by the perpetrator who other than the petitioner. There was no element of intention to cause murder and the conduct of the petitioner as spoken by the victim would clearly show that the petitioner had concern for her life.

4. This Court on perusing the statement of the victim girl and others finds that the incident has taken place in the morning hours at 09.00 and when there was quarrel between the husband and wife, after assault with wooden log stick, the petitioner has poured diesel on his wife and tried to set fire. Fortunately, he himself had saved her. Therefore, at the most this act can be punishable for the offence of causing grievous hurt and not for attempt to cause death.



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5. Considering the circumstances of crime committed and in the interest of the family of the accused and the victim (husband and wife) and future of two kids, who are pursuing their elementary education, it is not proper to make the petitioner subject to the ordeal of trial. Therefore, by invoking power under Section 482 of Cr.P.C., this Criminal Original Petition is allowed. The Criminal trial pending against the petitioner in S.C.No.49 of 2021 on the file of the Sessions Judge Mahila Court, Chengalpet is hereby quashed.

19.10.2023

Index:yes/no
Speaking order/non speaking order
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To:

- 1.The Sessions Judge, Mahila Court, Chengalpet.
- 2.The Inspector of Police, Magaral Police Station, Kancheepuram.
- 3.The Public Prosecutor High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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