



Crl.O.P.(MD)No.854 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **15.03.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.854 of 2020

and

Crl.M.P.(MD)No.385 of 2020

S.Kanaka Rathinamani

... Petitioner / A2

Vs.

1.The State

Rep. by the Sub Inspector of Police,

Thazhamuthunagar Police Station,

Thoothukudi.

... 1st respondent / complainant

2.Rajendran

... 2nd respondent /defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the F.I.R in Crime No.302 of 2019, on the file of the first respondent police and to quash the same.

For Petitioner : Mr.R.Shriram

For Respondents : Mr.M.Sakthikumar
Government Advocate (Crl.Side) for R1

: No appearance for R2



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ORDER

This petition is filed to quash the F.I.R in Crime No.302 of 2019, on the file of the first respondent police.

2. The allegation against the petitioner is that the daughter of the defacto complainant, by name, Maria Aishwarya, committed suicide, because of the ill treatment by the computer teacher, one Gnana Prakasam. The petitioner, who worked as the Headmistress of the same school, was roped as Accused No.2. There was no prima facie case against the petitioner and a complaint was registered on 23.11.2019, again, another F.I.R was registered on 24.11.2019.

3. On the side of the petitioner, it is stated that the daughter of the defacto complainant was doing 11th standard, one computer teacher - Gnana Prakasam used to beat her occasionally and that one month before the date of occurrence, the said Gnana Prakasam has beaten the deceased using a stick and she informed the same to her mother. The defacto complainant immediately made a complaint before the Headmistress. The Headmistress abused the defacto complainant. On receipt of a



complaint from the defacto complainant, the first respondent without enquiring the matter, has registered the F.I.R in a mechanical manner, on the same date, the petitioner was arrested. Later she was released on bail. Since the petitioner was arrested and remanded to judicial custody for more than 48 hours, she was suspended from service and she is facing departmental enquiry and prayed the F.I.R in Crime No.302 of 2019, dated 24.11.2019 is to be quashed.

4. Even as per the wordings in the F.I.R, the mother of the minor girl was abused in the presence of the minor, and there is no *prima facie* case made out against the petitioner and the F.I.R is to be quashed.

5. On the side of the prosecution, it is stated that already investigation was over and charge sheet was filed and the same was taken on file as C.C.No.74 of 2023 on the file of the Judicial Magistrate No.II, Thoothukudi and the case is adjourned to 03.04.2023 for the appearance of the accused.

6. On the side of the petitioner, it is stated that in this Criminal Original Petition, filing of a final report was already stayed by this



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Court, as per the order, dated 22.01.2020. Though there is a stay order, violating the stay order, the respondent police filed the charge sheet.

7. It is seen that there is a stay order by this Court, dated 22.01.2020, the charge sheet was filed. Since the investigation was over and the case was taken on file, the petitioner is given liberty to take action against the case in C.C.No.74 of 2023.

8. With the above direction, this Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
Ls

15.03.2023



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To

1. The Sub Inspector of Police,
Thazhamuthunagar Police Station,
Thoothukudi.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.THARANI. J.

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