



Crl.O.P(MD).No.11798 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 27.04.2023

Delivered On : 07.06.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.11798 of 2020

1.Murugesan
2.Kalaiselvi

...Petitioners

Vs

1.State through,
Deputy Superintendent of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
Crime No.690 of 2020

2.Suresh

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records in Crime No.690 of 2020 and the alteration report dated 19.05.2020 on the file of the Kumbakonam Taluk Police Station, Thanjavur District and quash the same as against the petitioners.

For Petitioners

: Mr.V.Kannan

For 1st Respondent

: Mrs.M.Aasha

Government Advocate (Crl. Side)

For 2nd Respondent

: Mr.K.M.Karunakaran



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ORDER

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This petition is filed to quash the FIR in Crime No.690 of 2020 and the alteration report dated 19.05.2020, on the file of the first respondent.

2.The case against the petitioners is that A1 married the daughter of the defacto complainant. A2 and A3 are the parents of A1. Due to the harassment of the accused, the daughter of the defacto complainant died on 18.05.2020. A case in Crime No.690 of 2020 was registered under Section 174(3) of Cr.P.C., and later the case was altered to Section 306 of IPC.

3.On the side of the petitioners, it is stated that the petitioners are innocent. There is no specific allegation against the petitioners. Even in the inquest report, there was no allegation against the petitioners. The defacto complainant has not raised any allegation against the petitioners in the affidavit filed before the learned Judicial Magistrate for getting interim custody of the child of the deceased. Only due to matrimonial dispute, all the family members are roped into the case.

4.On the side of the petitioners, it is further stated that the deceased used to cause injury to herself, even for petty quarrels with her husband. She



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has injured her hands with blade twice. There was no dowry demand. There is no specific allegation as to who has demanded and what was the demand. The defacto complainant has mentioned that twice his daughter injured herself and that there was no allegation as to the dowry demand in the report of the RDO.

5.The learned counsel for the petitioners would rely upon a judgment of the Hon'ble Supreme Court in the case of *Suvetha v. State and another* reported in **2009 (6) SCC 757**, wherein it is stated that family members or relatives should not be roped into a criminal case and the observation of the Hon'ble Supreme Court was followed in multi-number of subsequent cases.

6.On the side of the prosecution, it is stated that investigation is at the initial stage. The defacto complainant is the father of the deceased. The deceased was married to A1. At the time of marriage, jewels and household articles were given to the deceased. The petitioners and A1 harassed the deceased and they used to insult the accused stating that she is ugly. Initially they lived as a joint family and then A1 and the deceased went to Chennai and due to Corona, they returned to Tanjavur and they lived with the petitioners and they insulted and ill treated the deceased. Thereby, they instigated the suicide of the deceased. It is stated that RDO report was not yet received.



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7. On the side of the second respondent, it is stated that only due to dowry demand and due to the torture of the inlaws and A1 husband, the deceased committed suicide and that the petitioners ought to face the trial.

8. A perusal of the records reveals that the petitioners are the inlaws. In the FIR, there was some allegations of dowry demand raised against the petitioners. It is stated that RDO report was not yet filed. The investigation is not over. In the above circumstances, the case against the petitioners cannot be thrown out at the threshold. In the result, this Criminal Original Petition is **dismissed**.

07.06.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn



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To

- 1.The Deputy Superintendent of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R. THARANI,J.

Mrn

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