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CrI.O.P.(MD)No.14946 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08/12/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

CrI.OP(MD)No.14946 of 2023

and

CrI.MP(MD)No.11835 of 2023

Subanan : Petitioner/A2

Vs.

1.The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
(Crime No.212 of 2016)

2.Manai @ Mohanan : Respondents

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in SC No.17 of 2022 on the file of the Additional District Court, Kuzhithurai, Kanyakumari District and quash the same against the petitioner.

For Petitioner : Mr.Ka.Ramakrishnan

For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

O R D E R

This criminal original petition has been filed seeking quashment of the SC No.17 of 2022 on the file of the Additional District Court, Kuzhithurai, Kanyakumari District.



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2. The facts in brief:-

A1 is the wife of the de-facto complainant. The deceased is the son born to them. The second accused and A1 were having illegal intimacy. On 17/11/2016 at about 05.00 pm, the deceased returned to the house from the school. Noticing that house was locked inside, the deceased went to the rear side area. At that time, he found A1 and A2 in a compromising position. Fearing that the deceased will reveal the same to others, both of them decided to kill him. A1 thrust tablets used for Thyroid ailment forcibly in the mouth of the deceased. Thereafter, strangulating him by using the dog chain. He was taken to the Parasalai Government Hospital and gave a wrong statement that the deceased consumed tablets. He was taken to further to the Government Hospital, Trivendram. But died, on 18/11/2016 due to the injuries suffered. Upon the occurrence, a case in Crime No.212 of 2016 was registered for the offence under section 174 Cr.P.C @ 201, 302 r/w 34 IPC. After completing the investigation, charge sheet was filed and it was taken cognizance in SC No.17 of 2022 by the Additional District Court, Kuzhithurai, Kanyakumari district.

3. Seeking quashment of the same, A2 namely Subanan is before this court on the ground that there are



material contradictions in the materials collected during the court of investigation and the statement recorded.

4.Heard both sides.

5.It is an unfortunate alleged killing of the child of A1. As noted above, it is the case of the prosecution that the deceased happened to be a witness to the illegal intimacy of both the accused in the house, he was done to death.

6.During the course of investigation, sufficient materials are collected and opinion obtained from the Medical Officer, which *prima facie* shows that the deceased was strangled to death. Simply because, in the final report, it is stated that strangulation was made by using the dog chain, the petitioner cannot escape from the criminal prosecution.

7.Causing of death is apparent. The reason for the murder is also collected during the course of investigation. So I am not convincing any of the grounds made in this petition.



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8.Absolutely, no legal ground has been made. Simply because, there are some contradictions in the prosecution case, it cannot be thrown away at the initial stage.

9.Considering the grievousness of the allegation and the manner in which, the offence said to have been committed, I find no reason to entertain this petition.

10.In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

08/12/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Additional District Court,
Kuzhithurai,
Kanyakumari District.
- 2.The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

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