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Crl.O.P.Nos.22645 & 28780 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.01.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.Nos.22645 & 28780 of 2022

and

Crl.M.P.Nos.14528 & 17624 of 2022

1.C.Ramamoorthy/A2

2.R.Selvarani/A3

3.V.Shanthi /A4
2022

... Petitioners in Crl.O.P.No.22645 /

R. Sathish/A1

... Petitioners in Crl.O.P.No.28780 / 2022

Versus

1.The State Rep. By
The Inspector of Police,
Rajamangalam Police Station,
Greater Chennai,
Chennai City.
(Crime No.450 of 2022)

2. Kannan

... Respondent in both Crl.O.P.s

COMMON PRAYER: Criminal Original Petitions filed Under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to the FIR in Crime No.450 of 2022 pending on the file of the 1st respondent and quash the same.

For Petitioners in both Crl.O.P.s

:Mr.R.John Sathyan, Senior Counsel
for Mr.G.Prakash Kumar



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For R1 in both Crl.O.P.s

:Mr.S.Vinoth Kumar

Government Advocate (Crl.Side)

For R2 in both Crl.O.P.s

:Mr.T.Balaji

COMMON ORDER

The petitioners have filed these petition to quash the FIR in Crime No.450 of 2022 pending investigation on the file of the 1st respondent, for the offences under Section 174(3) of Cr.P.C., subsequently altered into Section 498A and 306 of IPC, against the petitioners.

2. The case of the prosecution is that, defacto complainant is the father of the Rekha Devi (Deceased). On 15.02.2021, marriage was solomized between A1 and Rekha Devi (Deceased) in Prasanna Venkatachalapathy Temple at Madurai. Due to matrimonial dispute, the petitioners have harassed the victim and demanded dowry. On 06.12.2021 A1 left Rekha Devi (Deceased) in her parental home because of difference of opinion between them. Thereafter, A1 filed HMOP.No.388 of 2022, for seeking divorce and the same was duly replied by the Rekha Devi (Deceased) through her counsel and at a later point of time the victim is said to have received notice from the Court for attending the divorce proceedings and finally she decided to go away with her life and committed suicide by hanging herself in her parental



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home. Hence, the defacto complainant lodged a complaint against the petitioners for the offences under Sections 174(3) of Cr.P.C., subsequently altered into Section 498A and 306 of IPC. Hence, the complaint.

3. The learned counsel for the petitioners submitted that A1 is the husband and A2 to A4 are in-laws of Rekha Devi (Deceased). He further submitted that A2 to A4 are no way connected with the dispute between A1 and Rekha Devi (Deceased). He also submitted that there is no specific overt act against the petitioners. More over the victim died in her parental home, after 6 months left from the matrimonial home, in the interregnum period there was no contact from us. Hence, he prays to quash the proceeding of the FIR in Crime No.450 of 2022.

4. The learned Government Advocate (Crl.Side) submitted that due to matrimonial dispute the victim committed suicide by hanging herself in her parental home, for which he produced the suicide note, in which stating about the harassment made by the petitioners. Based on the complaint lodged by the defacto complainant, the respondent police registered the case against the petitioners in Crime No.450 of 2022. Hence, he raised strong objection to quash the FIR.



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T.V.THAMILSELVI, J.

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5. On a perusal of the records, it reveals that on 15.02.2021 marriage was performed between the defacto complainant's daughter and A1, but she committed suicide within 1 ½ years from the date of marriage. Besides there is a suicide note made by Rekha Devi (Deceased), which needs detailed investigation. At this stage, this Court is not inclined to quash the proceedings in Crime No.450 of 2022.

6. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

09.01.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No
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To
1. The Inspector of Police,
Rajamangalam Police Station,
Greater Chennai, Chennai City.
2.The Public Prosecutor,
High Court of Madras.

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