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Crl.OP.No.849 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.849 of 2023

and

Crl.MP.No.412 of 2023

1. N. Sivaraj
2. S. Nachimuthu
3. N. Kadirvel

... Petitioners

Vs.

1. The State Rep by
The Inspector of Police,
Cheyur Police Station,
Thiruppur District
(Cr.No.621/2021)

2. Ponnusamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records pertaining to the Cr.No.621 of 2021 on the file of the Cheyur Police Station, Thiruppur District dated 22.12.2021 originally registered under Section 174 of Cr.P.C., (poisoning) and subsequently altered into 306 IPC and quash the same.

For Petitioner : M/s.Ashok Kumar.D

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)
for R1



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ORDER

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This Criminal Original Petition is filed to quash the FIR in Cr.No.621 of 2021 registered on 22.12.2021 initially for offence under Section 174 of Cr.P.C. Later altered into Section 306 of IPC in view of the dying declaration of the victim by name Sheela Devi.

2. The learned Government Advocate (Crl.Side) submits that investigation in this matter has been completed and draft final report sent to Public Prosecutor for his opinion.

3. The learned counsel appearing for the petitioner states that it is purely a property transaction in which as per the agreement, the sale price been paid to the defacto complainant despite that to extract no money. The unnatural death of Sheela Devi been converted into case of abetment to commit suicide, since the investigating officer has found prima facie material to proceed against the petitioners and finalize the investigation it is open for the petitioner herein to challenge the final report if so advised.



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4. This petition filed to quash the FIR is not sustainable, in view of the material so collected by the Investigating Officer in the course of investigation particularly the alleged dying declaration of the victim. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

22.08.2024

Vv

To

1. The Inspector of Police,
Cheyur Police Station,
Thiruppur District.
2. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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