



CrI.O.P.(MD)No.1827 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.1827 of 2024

and

CrI.M.P.(MD)No.1362 of 2024

Praveen Kumar

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Thiruverampur Police Station,
Trichy District.
(Crime No.87/2023)

... Respondent/Complainant

2.Jeyaraj

... Respondent/Defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the charge sheet in S.C.No.3 of 2024 on the file of the Sessions Judge, Mahila court, Tiruchirappalli and quash the same.

For Petitioner

: Mr.SMA Jinnah

For R1

: Mr.P.Kottai Chamy

Government Advocate (CrI.Side)

ORDER

The petitioner has filed this Petition to call for the records pertaining to the charge sheet in S.C.No.3 of 2024 on the file of the Sessions Judge, Mahila court, Tiruchirappalli and quash the same.



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2. The learned counsel for the petitioner submits that the petitioner is the husband of the deceased and the deceased was a sick person, she fell down and sustained injury, admitted in hospital and died in the hospital. However, the prosecution case has been projected as against him after four months from the occurrence, as if the petitioner assaulted her and also banged against the wall and on account of which, she died. According to him, the case has been mechanically filed for the offence 302 I.P.C.

3. The learned Government Advocate (Crl.Side) submits that the petitioner has assaulted his wife and also banged against the wall, she sustained several injuries. On account of the head injury and the injuries on her vital organs, she died, while taking treatment in the hospital. The incident took place on 28.02.2023, the victim was admitted in hospital only on 02.03.2023, the victim died in the hospital on 05.03.2023.

4. According to the petitioner, the statement of the alleged eye witness was recorded only in the month of June 2023. He also relied on the post mortem certificate.

5. A perusal of the post mortem certificate reveals that the deceased appears to have died due to the head injury, which resulted in failure of vital



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organ as well as the brain stem. The petitioner claims that the deceased was a patient fell down and sustained injuries. On the other hand, the prosecution claims that he assaulted the deceased with iron rod and also pushed her.

5. This is the matter which has to be decided only during the course of trial and all the grounds raised by the petitioner herein can very well be raised by the petitioner before the trial Court and can establish his case in the trial. Therefore, this Court is not inclined to entertain this petition.

6. Accordingly, this criminal original petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
NCC : Yes/No
LS/RJR

12.06.2024

To

- 1.The Sessions Judge, Mahila court,
Tiruchirappalli.
- 2.The Inspector of Police,
Thiruverampur Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J.

LS

Order made in
Crl.O.P.(MD)No.1827 of 2024

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