



Crl.O.P.(MD) No.5640 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.5640 of 2021

and

Crl.M.P.(MD) No.3237 of 2021

1.Alagammal

2.Bollammal

3.Mareeswari

4.Pasupathi

5.Subbuthai

6.Seenivasan

... Petitioners

Vs.

1.The State rep. by

The Inspector of Police,

Amathur Police Station,

Virudhunagar District.

(Crime No.229 of 2011)

2.P.Ramalakshmi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records in S.C.No.168 of 2019 on the file of the Sessions Court (Fast Track Mahila Court), Srivilliputhur,



Crl.O.P.(MD) No.5640 of 2021

Virudhunagar District and quash the charge sheet as against the petitioners.

For Petitioners : Mr.K.Veilmuthu

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : N.Mariappan

ORDER

Seeking to quash the final report in S.C.No.168 of 2019 on the file of the Sessions Court (Fast Track Mahila Court), Srivilliputtur, Virudhunagar District, the present Criminal Original Petition is filed.

2. The present petitioners are accused 2 to 7. The case of the prosecution in a nutshell is as follows:

(i) The first accused Kaleeshwaran was working abroad. He and the victim Jothilakshmi were in love with each other for a long time. The first accused Kaleeshwaran came down to his hometown Kanjanaickenpatti Village as his mother was hospitalized and subsequently died on 14.08.2011.



Crl.O.P.(MD) No.5640 of 2021

(ii) On 17.08.2011, the first accused Kaleeshwaran requested the victim Jothilakshmi to leave her parental home at 'O' Kovilpatti Village and they went to Thiruchendur and stayed in a private lodge. According to the prosecution, the first accused Kaleeshwaran on the promise of marrying the victim Jothilakshmi had sexual intercourse with her at Thiruchendur. Since the mother of the first accused Kaleeshwaran died, he promised the victim Jothilakshmi that he would marry her after completing the sixteenth day ceremony of his mother.

(iii) Thereafter, on 30.08.2011, the first accused Kaleeshwaran called victim Jothilakshmi to Aruppukottai and married her at Muthumariamman Temple by tying a marital rope (மஞ்சள் தூலி) and left her in his own brother's house at 'O' Kovilpatti Village. He did not get the marriage registered. Both the families after coming to know of the same convened a Panchayat on 03.12.2011. The relatives of the first accused Kaleeshwaran called the victim Jothilakshmi's parents to Kanjanaickenpatti Village.

(iv) In the Panchayat, the present petitioners did not accept the marriage that took place between the first accused Kaleeshwaran and the victim Jothilakshmi on 30.08.2011, abused her in filthy language and also asked the victim Jothilakshmi to commit suicide. On 05.12.2011, the victim



Crl.O.P.(MD) No.5640 of 2021

committed suicide by drowning in a Well nearer to her house and her body was retrieved on the next day.

(v) Based on the complaint lodged by the mother of the victim Jothilakshmi (the second respondent herein) an F.I.R. in Crime No.229 of 2011 was registered by the Inspector of Police, Amathur Police Station against the accused for the offences punishable under Section 174 of Cr.P.C. on 06.12.2011 and subsequently, it was altered to Section 417, 376(2)(f), 366, 306 r/w. 34 of IPC. After completing investigation, the police laid a final report in P.R.C.No.2839 of 2019 against the accused for the aforesaid offences.

3. Mr.K.Veilmuthu, learned counsel appearing for the petitioners would contend that the present petitioners are sisters and grandparents of the first accused Kaleeshwaran and that they have not committed any offence as alleged by the prosecution. His further contention is that they have not instigated the victim Jothilakshmi to commit suicide.

4. Per contra, Mr.N.Mariappan, learned counsel appearing for the second respondent/*de facto* complainant would contend that though the first accused Kaleeshwaran married the victim Jothilakshmi, the said



Crl.O.P.(MD) No.5640 of 2021

marriage was not accepted by the present petitioners and that the present petitioners in the Panchayat abused the victim Jothilakshmi in filthy language and also asked her to commit suicide, as a result of which, the victim Jothilakshmi committed suicide on 05.12.2011 and her body was retrieved on 06.12.2011 from a Well. He therefore prayed for dismissal of the present Criminal Original Petition.

5. Mr.R.M.Anbunithi, learned Government Advocate (Crl. Side) would contend that the first respondent police after conducting proper investigation had filed a final report and there is no good ground to quash the same.

7. This is a case where the victim Jothilakshmi trusted the first accused Kaleeshwaran and had also gone with him to Thiruchendur and stayed with him. Subsequently, she married the first accused Kaleeshwaran in a small temple at Aruppukottai and as per his instructions, she was staying in his own brother's house at 'O' Kovilpatti Village. At the insistence of the present petitioners, she had gone over to Kanjanaickenpatti Village. By that time, the first accused Kaleeshwaran also changed his mind and did not accept the victim Jothilakshmi as his



Crl.O.P.(MD) No.5640 of 2021

wife. Thereafter, the victim Jothilakshmi had to leave the Kanjanaickenpatti Village and committed suicide on 05.12.2011 and her body was retrieved from a well on 06.12.2011 near her parental house. It is contended that the post-mortem report revealed that the death of Jothilakshmi was due to drowning. A perusal of the statements recorded by the police under Section 161(3) of Cr.P.C. *prima facie* shows the offences committed by the present accused. The truth or otherwise of the allegations made by the present petitioners can be gone into only at the time of trial.

8. In the facts and circumstances, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

09.02.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

To
1.The Sessions Judge,
Fast Track Mahila Court
Srivilliputtur, Virudhunagar District.



Crl.O.P.(MD) No.5640 of 2021

- 2.The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.5640 of 2021

R.HEMALATHA, J.

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Crl.O.P.(MD) No.5640 of 2021 and
Crl.M.P.(MD) No.3237 of 2021

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