



Crl.O.P.(MD)No.12049 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **05.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.12049 of 2022

Raja

... Petitioner

Vs.

1.The State through
the Inspector of Police,
Sammattividuthi Police Station,
Pudukottai District.

2.Karthik ...Respondents
(Respondent No.2 is impleaded vide Order of this Court dated
18.07.2022 in Crl.M.P.(MD).No.8009 of 2022 in Crl.O.P.(MD).No.12049
of 2022)

PRAYER: Criminal Original Petition is filed under Section 482 of
Cr.P.C, to call for the entire records in P.R.C.No.18 of 2021 on the file of
the learned District Munsif cum Judicial Magistrate, Alangudi,
Pudukottai District and the same is liable to be quashed.

For petitioner : Mr.P.Ganapathi Subramanian

For R-1 : Mr.S.Manikandan
Government Advocate
(Criminal Side)

For R-2 : Mr.P.Pandiarajan,
Legal Aid Counsel



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ORDER

This petition has been filed seeking to quash the proceedings in P.R.C.No.18 of 2021 for the offence punishable under Section 306 IPC on the file of the learned District Munsif cum Judicial Magistrate, Alangudi, Pudukottai District as against the petitioner.

2. The case of the prosecution is that the petitioner and the deceased fell in love with each other. The petitioner by giving a false promise to marry her, had physical relationship with her. However, the petitioner did not marry the deceased and he performed marriage with his uncle's daughter on 01.02.2013. Thereafter, the elders of the village asked the petitioner herein on 12.02.2013 and 18.04.2013 to marry the above said deceased and the petitioner also agreed to marry the deceased. But, he did not marry the deceased, due to which, the deceased committed suicide in the back side of the deceased brother's house and thereby, the defacto complainant, who is the sister of the deceased, made a complaint before the respondent Police.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the sole accused in P.R.C.No.18 of 2021. He would further submit that though serious allegations are made against the



petitioner as if the petitioner had love affair with the deceased person and promised to marry her and had relationship with the deceased. However, no evidence was available to implicate the petitioner as an accused in this case. He would further submit that the petitioner did not know the above said deceased. The learned counsel appearing for the petitioner placed reliance on the decision of the Hon'ble Supreme Court in the case of *Prabhu Vs. the State represented by the Inspector of Police and another* in *SLP (Crl.)Diary No.39981/2022*.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. The learned Counsel appearing for the second respondent would submit that the petitioner had promised to marry the defacto complainant's sister in the presence of the Village elders. But the petitioner did not marry the deceased. Hence, the deceased committed suicide. He would further submit the Order produced by the learned



counsel appearing for the petitioner is not applicable to the facts of the present case and he has pointed out some portion of the above said order and the said portion is extracted hereunder:

9...

8.6.On a careful reading of the factual matrix of the instant case and the law regarding Section 306 IPC, there seems to be no proximate link between the marital discord between the deceased and the appellant and her subsequent death by burning herself. The appellant has not committed any positive or direct act to instigate or aid in the commission of suicide by the deceased.”

6. It is seen from the charge sheet that the petitioner had agreed to marry the deceased in front of the elders of the Village. But he did not marry the deceased. Therefore, this Court feels that there is proximate link between the deceased and the petitioner herein and the petitioner has instigated the commission of suicide by the deceased.

7. Accordingly, this Court finds no ground to quash P.R.C.No.18 of 2021 for the offence punishable under Section 306 IPC, on the file of the learned District Munsif cum Judicial Magistrate, Alangudi, Pudukottai District.



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8. In the result, the Criminal Original Petition stands dismissed.

05.03.2024

Index : Yes/No
Internet : Yes/No
TSG

To

1.The Judicial Magistrate, Palani, Dindigul District.

2.The Inspector of Police,
Palani Town Police Station,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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