



Crl.O.P.(MD)No.12321 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12321 of 2024 and
Crl.MP(MD) No.7652 of 2024

D.Sumathi

... Petitioner

Vs

1.The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
Crime No. 143 of 2023.

2.Anand

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the impugned FIR in Crime No. 143 of 2023, on the file of 1st respondent, dated 04.05.2023 and quash the same as illegal as against this petitioner.

For Petitioner

: Mr.V.Kathirvelu,
Senior Counsel for
Mr.K. Prabhu,

For R1

: Mr.M.Sakthi Kumar
Government Advocate (Crl.side)



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ORDER

The petitioner is A3 in Crime No.143 of 2023, on the file of the first respondent for the offence under Section 306 of IPC, has approached this Court, to quash the above proceedings, insofar as the petitioner is concerned.

2.The learned senior counsel appearing for the petitioner submits that this petitioner has provided a job for A1 and her daughter. A1, namely, Krishnammal has deserted her husband and taken shelter in the petitioner's house and she was doing some house hold works in the petitioner's house. While so, A1 has developed intimacy with one Mandayan. A1 has taken her daughter to the said Mandayan's house and the said Mandayan is said to have abused the minor girl. Therefore, the deceased daughter of A1 has lodged a complaint as against Mandayan and her mother. The first respondent has also registered a case in Crime No.216 of 2022 under POCSO Act as against A1 and the said Mandayan. Both of them were arrested. Since A1 was working in the petitioner's house, the petitioner has arranged for bail by spending



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some amount. The petitioner has also permitted A1, the mother of the deceased to continue to work in her house. The deceased with some grievance as against the petitioner for permitting A1/her mother to continue to work in the petitioner's house, is said to have raised objections with the petitioner. The petitioner is said to have convinced her that she incurred some expenditure for taking bail for A1 and till the recovery of that amount, she has to extract work from A1. Being not satisfied with the same, and not able to tolerate with the conduct of A1, the deceased is said to have committed suicide by hanging. It is reported that there is no suicide note. The respondent police has registered a case in Crime No.143 of 2023 on 04.05.2023 under Section 174 of Cr.P.C and arrested the mother of the deceased and recorded the statement, as if the petitioner is said to have scolded the deceased, while refusing to consider her request to send out A1 from her house. Therefore, the learned senior counsel has insisted for an interim order, restraining the first respondent from filing the final report.

3.Mr.M.Sakthi Kumar, learned Government Advocate

(Crl.side) takes notice for the first respondent and submits that the



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investigation is in the initial stage. It is reported that this petitioner was arrested and released on bail.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Admittedly, the petitioner is arrayed as accused based on a vague statement recorded from A1. Investigation is the process to find out the truth. It is not a mechanical process to file the final report as against the accused person or close the case that action dropped. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by the learned senior counsel and the grounds raised in this petition needs to be appreciated by the investigating agency, during the course of investigation.

6.The motto of the government in its emblem is Truth



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Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

7. Therefore, this petition is disposed of with a direction to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and to conclude the investigation within a period of four months either by filing final report or with a closure report. In the event, if the final report is filed as against the petitioner, it is always open to the petitioner to challenge the same in the manner known to law. Consequently, the connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet: Yes
vrn



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- 1.The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
Crime No. 143 of 2023.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
Crl.OP(MD)No.12321 of 2024 and
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