



Crl.O.P.(MD)No.19152 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19152 of 2024

and

Crl.M.P(MD) No.11816 of 2024

Kaliraj

.. Petitioner

Vs.

1. The Inspector of Police
South Gate Police Station
Madurai City.

2. Thangamani

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in Crime No.324 of 2023 pending on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.R.Sagadev

For Respondents : Mr.A.Thiruvadikumar
No.1 Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.324 of 2023 on the file of the first respondent police.

2. The contention of the petitioner is that the petitioner had married the deceased Jothilakshmi on 14.02.2021 and out of their wedlock they were blessed with a girl child on 19.06.2022. Thereafter they started living happily. In the meanwhile there was some quarrel which is normal in the matrimonial life and she had gone to her parental home on 29.06.2023 and stayed there till 29.07.2023 and thereafter what was the dispute in her parental home is not known and there she committed suicide by hanging in her parental home. During her stay in her parental house the petitioner and his wife were in constant touch and they were sending text message and also speaking with each other. Since the death had taken place within seven years of marriage First Information Report under Section 174 of Cr.P.C. registered. Thereafter Revenue Divisional Officer conducted enquiry and Revenue Divisional Officer confirmed that there is no demand of dowry. Under such circumstances the petitioner's wife had committed suicide in her parental house and that too after one month of



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her stay in her parental home and for what reason the second respondent and his family could give reasons. The petitioner had sought for custody of minor child of 1 ½ years in GWOP No.2219 of 2024 which aggravated the situation hence the defacto complainant/second respondent moved direction petition before this Court in Crl.O.P(MD) No.10977 of 2024 and thereafter the case has been altered to Section 306 of IPC anti dated. The petitioner in the typed set annexed the screenshot of whatsapp chat between the petitioner and his wife and the relationship between them seems to be cordial and there was a small dispute with regard to setting up a independent nucleus family.

3. The learned Additional Public Prosecutor on the other hand submitted that the wife of the petitioner died and the death is un natural. Hence case was registered under Section 174 of Cr.P.C and the case was referred to Revenue Divisional Officer during enquiry no demand of dowry found and thereafter the case was investigated by the respondent police and during investigation it was found that earlier on three occasions the petitioner chased out his wife to his mother's house for various reasons and the petitioner not treated his wife properly and there was some misunderstanding between them for which the petitioner abused his wife .She



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had gone to her parental home on 29.06.2023 and thereafter also the petitioner constantly calling her over phone and abusing her. The deceased was very much interested to join with the petitioner. Further in this case the petitioner has filed GWOP petition after his anticipatory bail petition was dismissed on 30.08.2024 in Crl.O.P(MD) No.14188 of 2024. In this case the section was altered on 25.07.2024. He would further submit that the investigation is in progress and seeks for dismissal of the petition.

4. Considering the fact that investigation is in progress and only after completion of investigation the contention of the petitioner can be considered, at this stage the question of quashing the First Information Report does not arise. Hence this Court concludes that this is not a fit case to quash the First Information Report at this stage and the same is liable to be dismissed.



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

Consequently connected miscellaneous petition is closed.

07.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav

To

1. The Inspector of Police
South Gate Police Station
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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