



CRL MP(MD) No.12814 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of November Two Thousand and Twenty
Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.12814 of 2024

in

CRL OP(MD)No.20726 of 2024

GURUNATHAN

... PETITIONER/ ACCUSED No.3

Vs

1 THE STATE OF TAMIL NADU

REP. BY THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI, DISTRICT.
(CRIME NO. 182 OF 2021)

... 1st RESPONDENT/COMPLAINANT

2 KALPANA,

... 2nd RESPONDENT/DEFACTO COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an order of STAY all further proceedings in PRC. No. 70 of 2023 on the file of the learned Judicial Magistrate No. II, Thoothukudi, pending disposal of the above Criminal Original Petition.

Prayer in CRL OP(MD). 20726/ 2024 :

To call for the records relating to the PRC No. 70 of 2023 on the file of the Learned Judicial Magistrate No. II. Thoothukudi and Quash the same by allowing this Criminal Original Petition.



CRL MP(MD) No.12814 of 2024

WEB COPY

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MOHAMED RIYAZ. M, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st Respondent while admitting the Criminal Original Petition.,, the Court made the following order:-

Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, takes notice for the first respondent.

2. Notice to the second respondent returnable by 06.01.2025. Private notice is also permitted.

3. The petitioner / A3, who is facing trial for the offences under Section 306 of I.P.C. and Sections 3 and 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, has filed the quash application.

4. The contention of the learned counsel for the petitioner is that the second respondent's husband one Renganathan had attempted suicide by hanging on



CRL MP(MD) No.12814 of 2024

16.07.2021 in his shop and initially, a case under Section 174 of Cr.P.C. registered.

WEB COPY

On the next day, *i.e.*, on 17.07.2021, the statement of the second respondent/de-facto complainant was recorded in relation to the offence under Section 306 of the I.P.C. and Sections 3 and 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. However, such allegations were made without any supporting material.

5. The learned counsel for the petitioner further submitted that the petitioner and two others have been arrayed as accused primarily based on the alleged suicide note produced by the second respondent/de-facto complainant on 17.07.2021. This suicide note was introduced after the second respondent thoroughly searched the room of the deceased, Renganathan, and found two letters. Through these letters, the petitioner and two others were implicated as the cause of her husband's death. The second respondent then produced the said letters to the respondent Police, who forwarded them to a Handwriting Expert. Upon examination, the expert compared the disputed letter with a diary, which was considered a standard writing. The expert noted that the signature in the letter was in Tamil, while the diary was in English, making the two writings incomparable, and thus, the document was returned. The Head Constable, who collected the document from the Forensic Department, later stated that after receiving the report, no further steps were taken to verify the signature or handwriting.



CRL MP(MD) No.12814 of 2024

WEB COPY

6. The learned counsel for the petitioner further argued that the introduction of the suicide note is an afterthought, as evidenced by the earliest statement of the second respondent/de-facto complainant. In her complaint, there is no mention of the petitioner or her husband, Renganathan, taking a loan from the petitioner, or any claims that the petitioner had exerted pressure on her husband or charged exorbitant interest. Neither the complaint nor the earliest statement dated 17.07.2021 references the petitioner. However, in a subsequent statement on the same day, the second respondent introduced the suicide note, and later further implicated the petitioner. This improvement in the case has now been undermined by the Handwriting Expert's opinion.

7. To support this contention, the learned counsel for the petitioner cited the order passed by this Court in Crl.O.P.No.26639 of 2013, dated 08.06.2021 [Jaya Prakash vs. State of Tamil Nadu], reported in CDJ 2021 MHC 2619, in which, this Court held that the Handwriting Expert did not confirm that the suicide note belonged to the deceased, and noted that the matter was clouded with mystery. The petitioner's case, according to the learned counsel, is similarly situated. Therefore, the learned counsel prayed for the quashing of the proceedings pending against the



CRL MP(MD) No.12814 of 2024

petitioner in P.R.C.No.70 of 2023 before the Judicial Magistrate Court No.II,
Thoothukudi.

8. Considering the force in the above submissions made by the learned counsel for the petitioner, this Court is inclined to grant an interim stay of all further proceedings in P.R.C.No.70 of 2023, pending before the Judicial Magistrate Court No.II, Thoothukudi. Accordingly, an interim stay is hereby granted.

sd/-

27/11/2024

/ TRUE COPY /

/12/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMN2

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI, DISTRICT.



CRL MP(MD) No.12814 of 2024

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-14751[I] dated
29/11/2024)

ORDER
IN
CRL MP(MD) No.12814 of 2024
in
CRL OP(MD)No.20726 of 2024
Date :27/11/2024

SS/GSV/SAR- /10/12/2024/ 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023