



Crl.O.P.(MD)Nos.21387 of 2023 and 353 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)Nos.21387 of 2023 and 353 of 2024

and

Crl.M.P.(MD)Nos.16740 of 2023 and 229 of 2024

and

Crl.M.P.(MD)No.7234 of 2024 in Crl.M.P.(MD)No.229 of 2024

Crl.O.P.(MD)No.21387 of 2023

Rajaram

... Petitioner

versus

1. State represented by the
Inspector of Police,
Vaiyampatty Police Station,
Trichy District.

2. Raju

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.No.365 of 2023 on the file of the 1st respondent Police and quash the same in respect of the petitioner is concerned.



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CrI.O.P.(MD)Nos.21387 of 2023 and 353 of 2024

For Petitioner : Mr.T.A.Ebenezer
For R1 : Mr.M.Sakthi Kumar,
Government Advocate
For R2 : Mr.C.Muthu Saravanan

CrI.O.P.(MD)No.353 of 2024

M.Senthil @ Senthilkumar ... Petitioner

versus

1. State represented by the
Inspector of Police,
Vaiyampatty Police Station,
Trichy City.

2. Raju ... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.No.365 of 2023 on the file of the 1st respondent Police and quash the same in respect of the petitioner is concerned.

For Petitioner : Mr.T.A.Ebenezer
For R1 : Mr.M.Sakthi Kumar,
Government Advocate
For R2 : Mr.C.Muthu Saravanan



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COMMON ORDER

The petitioner in Crl.O.P.(MD)No.21387 of 2023 is the accused No.6 in Crime No.365 of 2023 on the file of the first respondent Police. The petitioner in Crl.O.P.(MD)No.353 of 2024 is the accused No.2 in Crime No.365 of 2023. They have filed these petitions to quash the FIR in Crime No.365 of 2023 registered against them.

2. One Vadivel is said to have committed suicide on 03.08.2023 by consuming poison. One Raju, the father of the deceased, has lodged a complaint before the respondent Police that the wife of the deceased is having illegal intimacy with the second accused and for the convenience of their illegal intimacy, they have eliminated the deceased. On the complaint of the said Raju, a criminal case was registered in Crime No.365 of 2023 for the offence under Sections 294(b) and 306 IPC. In this case, the investigation is pending. Now, the accused Nos.2 and 6 have



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approached this Court seeking to quash the FIR in Crime No.365 of 2023 registered against them that this is a case of suicide and they do not have any role in the commission of suicide. However, the respondent Police has mechanically registered the case against them, who are in no way connected with the suicide committed by the deceased.

3. This Court, while entertaining the quash petition in Crl.O.P. (MD)No.353 of 2024, has passed an order permitting the investigating agency to proceed with the investigation, but, not to file the final report till the Criminal Original Petition is disposed of.

4. The defacto complainant has moved a petition in Crl.M.P. (MD)No.7234 of 2024 in Crl.M.P.(MD)No.229 of 2024 seeking to vacate the interim order.

5. The learned counsel appearing for the defacto complainant submits that it is a clear case of murder and in view of the interim



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order passed by this Court in Crl.M.P.(MD)No.229 of 2024 in Crl.O.P.(MD)No.353 of 2024, the respondent Police has not conducted the investigation.

6. The learned counsel for the petitioners submits that the petitioners are in no way connected with the suicide committed by the deceased and the allegation of illegal intimacy is also false. Even assuming that the allegations are true, it would not attract the offence under Section 306 IPC. He further submits that the petitioner in Crl.O.P.(MD)No.21387 of 2023/6th accused is the brother-in-law of the deceased, who is residing separately, is added as accused in this case.

7. The learned Additional Public Prosecutor appearing for the respondent Police submits that the investigation is almost completed. However, the respondent Police has not filed the final report, in view of the interim order passed in Crl.M.P.(MD)No.229 of 2024 in Crl.O.P.(MD)No.353 of 2024.



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8. This Court considered the rival submissions made.

9. The father of the deceased has lodged a complaint that the accused persons are responsible for the commission of offence. The respondent Police has registered the case and now, they are investigating into the matter. During the investigation, if the respondent Police finds that the petitioners are not having a role in the commission of offence, they may file a negative report against them.

10. Therefore, at the FIR stage, this Court is not inclined to interfere with the investigation. Therefore, both the Criminal Original Petitions are dismissed with liberty to the petitioners to challenge the final report, if any filed against them.

11. The respondent Police shall conduct the investigation in a fair and proper manner, find out the role of the accused, the manner



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in which the deceased has committed suicide and whether it is a suicide or murder. After completing the investigation, the respondent Police shall file the final report within a reasonable time. Consequently, connected miscellaneous petitions are closed.

22.07.2024

Index : Yes / No.
Internet: Yes / No.
NCC : Yes / No.
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To

1. The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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