



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WP(MD) No. 18472 of 2021

WEB COPY

Sivalingam

... Petitioner

vs.

1. The Inspector General of Police,
Central Zone, Tiruchirappalli.
2. The Superintendent of Police,
Tiruchirappalli District, Tiruchirappalli.
3. The Inspector of Police,
Vaiyampatty Police Station,
Manapparai Taluk, Tiruchirappalli District.

4. Dharmaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to take appropriate action against the fourth respondent based on the petitioner's representation dated 24.08.2021.

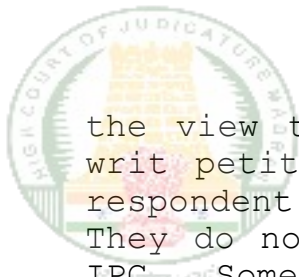
For Petitioner	: Mr. T. M. Madasamy
For Respondents	: Mr. T. Senthilkumar, Additional Public Prosecutor for R1 to R3

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the official respondents.

2. The petitioner got married to one Gomathi in the year 2018. A female child was also born in June 2019. The fourth respondent had developed illicit intimacy with the petitioner's wife. Therefore, the petitioner had sent her wife to her parents' house. Even thereafter, the fourth respondent had continued his illicit intimacy. Unable to bear the same, the petitioner's wife committed suicide. The petitioner had given a complaint against the fourth respondent before the third respondent.

3. The grievance of the petitioner is that though the third respondent had registered Crime No. 379 of 2021 in connection with his wife's suicide, they did not enquire the fourth respondent as an accused. Though the petitioner's grievance is justified, I am of



the view that no relief can be granted to the petitioner in this writ petition. This is because, the adulterous act of the fourth respondent can only be characterized as matrimonial misconduct. They do not by themselves attract the offence under Section 306 of IPC. Something more is required to constitute abetment of suicide. If the petitioner can place such materials, the third respondent is bound to take action.

4.The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

To

- 1.The Inspector General of Police,
Central Zone, Tiruchirappalli.
- 2.The Superintendent of Police,
Tiruchirappalli District, Tiruchirappalli.
- 3.The Inspector of Police,
Vaiyampatty Police Station,
Manapparai Taluk, Tiruchirappalli District.
4. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

WP (MD) No.18472 of 2021
10.11.2021

SS (CO)

KB(08.12.2021) 2P 5C