



Crl.O.P.(MD) No.13214 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	26.07.2022
Delivered on	23.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.13214 of 2022

1. Venkatraman,
2. Nagendran,
3. Veeraiyan,
4. Soundarajan,

: Petitioners

Vs

1. State represented through
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime.No.699 of 2021.

2. Periyannayagam,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records relating to the FIR in Crime No.699 of
2021, on the file of the first respondent police and quash the same.



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For Petitioners : M/s. Prabhu Rajadurai.G,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.M.Anbarasan

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.699 of 2021, on the file of the first respondent police.

2.The learned Counsel appearing for the petitioner submitted that the petitioners are the accused persons in the case in Crime No.699 of 2021, which had been registered for the offences under Section 306 IPC. The allegation against the petitioners is that on 30.08.2021, they went to the defacto complainant's house and informed her that her husband stolen the coconuts from their farm. Thereafter, they imposed a fine to the tune of Rs.2,000/- upon the deceased. In these circumstances, the defacto complainant's husband Rajendran committed suicide in a tamarind tree at Perumagalur Muni temple. Knowing this fact, the defacto complainant lodged a complaint against the accused persons. Initially, the case was registered under Section 174 Cr.P.C. After receiving the post-mortem



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report, the respondent police altered the Section as 306 IPC. Further, he submitted that to bring the case within the provision of 306 IPC, there is no ingredient to show that these petitioners played an active role by an act of instigation or by doing any certain act to felicitate the commission of suicide. In the absence of any allegation to show that the petitioners played an active role for the commission of suicide, the registration of the FIR against the petitioners is an abuse of process of law and it is liable to quashed.

3.The learned Counsel appearing for the third respondent submitted that in this case, the defacto complainant and the accused persons settled their dispute out of Court and there is no allegation against the petitioners as they have played any active role and felicitated to the commission of suicide and he had no objection to quash the FIR. Further, he submitted that the case is under investigation.

4.I have considered the matter in the light of the submissions made by the learned Counsels appearing for the parties.



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5.On a perusal of the FIR, it is seen that there is no allegation against the petitioners that they have played any active role in the deceased persons's suicide. Hence in the absence of any positive role on the part of the accused persons, they cannot be charged for the commission of offence under Section 306 IPC. Further, it comes with the parameter of the Hon'ble Supreme Court judgment in the case ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)***.

6.Therefore, in the absence of any allegations against the accused persons, the continuation of the criminal proceedings against the petitioners would amount to misuse of process of law.

7.Hence, the FIR in Crime No.699 of 2021 is quashed. Accordingly, this criminal original petition stands allowed.

23.08.2022

Internet: Yes
Index: Yes/No
lr



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To
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- 1.The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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V.SIVAGNANAM, J.

lr

Pre-Delivery Order made in

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