



WEB COPY



Crl.O.P.(MD) No.19950 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.19950 of 2022

and

CrI.M.P(MD) No.13759 of 2022

T.Pushpanathan

...Petitioner

VS

**1. The Inspector of Police
Sivagangai Town Police Station,
Sivagangai**

**2. Vellaisamy
Village Administrative Officer,
Kanjirangal, Sivagangai**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the First Information Report in Crime No.942 of 2017 dated 20.11.2017 for offence under Sections 309 and 506(2) of IPC pending on the file of the first Respondent and quash the same as illegal.

**For Petitioner
For R-1**

**: Mr.V.Rajiv Rufus
: Mr.R.Sureshkumar
Government Advocate(CrI.Side)**



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ORDER

This Criminal Original Petition had been filed to quash the First Information Report in Crime No.942 of 2017 on the file of the first Respondent police.

2. The learned Counsel for the Petitioner would submit that the Petitioner is the Head Master. He had not been paid with salary, for which he had protested before the Collector Office, Sivagangai along with his daughter.

3. The learned Government Advocate(Crl.Side) would submit that the Petitioner is alleged to attempted to commit suicide by self immolation and when the police interfered he also threatened them that he will pour kerosene. Therefore case has been registered in Crime No.942 of 2017 for the offences under Sections 309 and 506(2) of IPC.

4. Section 115 of the Mental Health Care Act, 2017 reads as follows:
Presumption of severe stress in case of attempt to commit suicide -(1)
Notwithstanding anything contained in Section 309 of the Indian Penal Code(45 of 1860) any person who attempts to commit suicide shall be presumed unless



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proved otherwise to have severe stress and shall not be tried and punished under the said Code(2) The appropriate Government shall have a duty to provide care, treatment and rehabilitation to a person having severe stress and who attempted to commit suicide to reduce the risk of recurrence of attempt to commit suicide.

5. Therefore under Mental Health Care Act, the person who suffered mental illness shall not be victimized by registering case under Section 309 of IPC.

6. In view of the same, this Criminal Original Petition stands allowed and the First Information Report in Crime No.942 of 2017 on the file of the first Respondent Police is hereby quashed. Consequently connected miscellaneous petition is closed. Further the Petitioner is directed to approach the Court concerned and obtain appropriate relief for his service benefits.

24.11.2022

Internet: Yes./No
Index: Yes/no
aav



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To

1. The Inspector of Police
Sivagangai Town Police Station,
Sivagangai
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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