



CrI.O.P.No.4422 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.4422 of 2023
and
CrI.M.P.Nos.2786 & 2787 of 2023

Maheswaran

... Petitioner

Vs.

1.State represented by
Additional Superintendent of Police (Headquarters),
Tiruppur District,
(Udumalpet Crime No.114 of 2012)

2.M.Paulsamy

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., pleaded to call for the records in S.C.No.29 of 2016 on the file of the Sub Court, Udumalpet and quash the same.

For Petitioner	: Mr.N.Palanikumar
For R1	: Mr.S.Santhosh
	Government Advocate (CrI.Side)
For R2	: No appearance

ORDER

This Criminal Original Petition is filed to quash the proceedings in S.C.No.29 of 2016 on the file of the Sub Court, Udumalpet.



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2.The learned counsel for the petitioner submitted that the petitioner is a teacher in R.K.R. Higher Secondary School. The suicide notes written by the deceased show that, his only intention was to take revenge on the School Management. The allegation that, petitioner had abused, insulted and beaten the deceased in front of other students driven him to commit suicide is absolutely false. The petitioner in his capacity as a teacher had only given advice to improve the studies of the deceased, that cannot be put up against him that he abetted the suicide of the deceased.

3.It is his further submission that the proceedings against the co-accused, namely R.K.Ramasamy and Rajendran, who are the Correspondent and Head Master of the School, were quashed by this Court in Crl.O.P.No.4186 of 2016 and Crl.O.P.No.17074 of 2022 respectively. When the co-accused are let off from this case, there is no possibility of getting conviction in this case. Teachers cannot be faulted for being strict with the students with a view to improve the students' performance. They cannot be charged for abetting the suicide of the



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deceased. In support of his submission, he relied upon the judgment made in the case of ***V.P.Singh & Ors. Vs. The State of Punjab & Ors.*** reported in ***CDJ 2022 SC 1309***. The relevent portion of the judgment is extracted hereunder:

"To examine the factual matrix in the present case, in view of the aforesaid legal position, we find not an iota of material on record even assuming the complete charge sheet to be correct which could lead to a conviction in a case of abetment as there was absence of the necessary ingredients to make the offence. While we appreciate the anguish of a father who has lost a young son, that cannot result in blaming the world (in the present case, the institution and its teachers) for what is a basic disciplinary action necessary for running the institute. A contra position would create a lawless and unmanageable situation in an educational institution. The suicide note further shows that there is something to be said about the relationship between the deceased and his father where in fact the deceased thought that his father could be blamed for the episode and thus asked to not to trouble his father. The anguish of the father ought not to have been converted into a case of abetment of suicide and



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certainly the investigation and the approach of the trial Court could have been more realistic keeping in mind the surrounding facts and circumstances in which the suicide episode occurred."

4.In response, the learned Government Advocate (Crl.Side) appearing for the first respondent police submitted that, the materials produced in this case, especially the suicide notes of the deceased, statement of the fellow students, namely M.Arunprakash and A.Bhuvaneshwaran, had supported the case of the prosecution that this petitioner was mainly responsible for the commission of the suicide of the deceased. The petitioner had scolded, abused, insulted and beaten the deceased student in front of other students for his inability to get good marks. The statement of these witnesses are supported by other students, who are examined as W.No.8 to W.No.25.

5.It is his further submission that even in the orders made in Crl.O.P.No.4186 of 2016 and Crl.O.P.No.17074 of 2022, it was observed that there are materials available against the petitioner herein for



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charging him under Section 305 of IPC. Thus, he prayed for dismissal of this petition.

6.Considered the rival submissions made by the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) appearing for the first respondent police and perused the materials available on record.

7.The charge against the petitioner and other accused is that the accused was the class teacher of XI Standard C2 Section. The deceased Anuj used to get only low marks. Therefore, the accused said to have scolded and beaten the deceased in front of other boy and girl students stating that he was getting low marks and was not focusing on his studies. This trend continued even after the deceased parents represented to the accused that the deceased was very fearful and made a request not to beat the deceased. It is alleged that even after the request, the deceased was beaten by the petitioner. It is also alleged that on 14.02.2012, the petitioner said to have pulled the ear of the deceased and told him that if



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the deceased dies, he will pay a sum of Rs.5,00,000/- to the parents of the deceased. He also said to have beaten him. These are the reasons, it is claimed by the prosecution, that are responsible for the deceased to commit suicide.

8.As rightly pointed out by the learned Government Advocate (CrI.Side), the fellow students Arunprakash and Bhuvaneshwaran had given statements in support of the prosecution case, followed by statement of other witnesses to show that the accused behave with students very rough and tough. Therefore, this Court finds enough materials from the final report to frame charge against the petitioner under Section 305 of IPC and proceed with the trial. Whatever the defence that are made by the learned counsel for the petitioner would not be considered now. It is for the Trial Court to consider the defence taken by the petitioner now, if it is taken before the Trial Court.

9.This Court finds that there is no merits in this petition seeking quashment of the proceedings in S.C.No.29 of 2016 on the file of the Sub



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Court, Udumalpet and therefore, this petition is liable to be dismissed.

Accordingly, this Criminal Original Petition is dismissed. However, the Trial Court is directed to dispose the case on merits and in accordance with law, on the basis of the evidence and materials, without being influenced by any of the observations made in this order. Consequently, the connected miscellaneous petitions are closed.

28.02.2023

Index:Yes/No

Speaking/Non speaking order

Neutral Citation Case : Yes \ No

sp

To

- 1.The Sub Court,
Udumalpet.
- 2.The Additional Superintendent of Police (Headquarters),
Tiruppur District.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

sp

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