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Crl.OP.No.32223 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32223 of 2022

U.Santhi

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
(Crime No.303 of 2022)

2.Velu

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.303 of 2022 on 24.04.2022 on the file of the 1st respondent police and quash the same as illegal.

For Petitioner : Mr.S.Yavavarun

For R-1 : Mr.S.Santhosh
Government Advocate (Criminal Side)



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ORDER

This Criminal Original Petition is filed for quashing the First Information Report in Crime No.303 of 2022 on 24.04.2022 on the file of the 1st respondent police.

2. The learned counsel for the petitioner submitted that even admitting the allegations made in the complaint, the allegations alone cannot be considered as an abetment to commit suicide of the deceased Saranya. In this regard, he relied on the Judgment of the Hon'ble Supreme Court, in the case of ***M.Argun Vs. The State represented by its Inspector of Police*** reported in [2019 3 SCC 315], for the proposition that,

"7....

8.The essential ingredients of the offence under Section 306 IPC are: (i) the abetment: (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not , by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide.



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Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 IPC.

3. In response, learned Government Advocate (Criminal Side) submitted that the investigation in this case is pending and the investigation conducted so far, reveals that only because of the abusive words used by the petitioner against the deceased, she was driven to take extreme decision of committing suicide. He further submitted that it is too early to seek for quashing of the First Information Report in Crime No.303 of 2022 on 24.04.2022 on the file of the 1st respondent police.

4. Considered the rival submissions of the parties. Perused the materials placed on records filed in support of this petition.

5. The reading of the First Information Report shows that the defacto complainant's wife namely Saranya was a member of chit fund run by the petitioner/accused Shanthi. The chit amount was Rs.1,00,000/- and the deceased



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had taken the chit in the year 2020 and she had to pay seven months installments.

6. On 21.04.2022 at about 7.00 pm, the defacto complainant was in her house with her family members. The accused came there and demanded the repayment of seven months installments. When the deceased Saranya expressed her inability to pay the amount immediately, and prayed for time, petitioner said to have scolded her in filthy language and threatened to defame her in the presence of public, if she doesn't repay the amount. Not able to bear the abusive words of the petitioner, the deceased Saranya said to have consumed poison on 23.04.2022 and died on 24.04.2022. Based on the complaint given by the defacto complainant, the First Information Report in Crime No.303 of 2022 was registered for the offence under Sections 174 and 306 of IPC.

7. As rightly pointed out by the learned Government Advocate (Criminal Side), the investigation in this case is not completed. The First Information Report is not an encyclopedia, where we can expect all the matters to be revealed.



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We have to wait for the conclusion of the investigation. The allegations made in the First Information Report, prima-facie shows that only because of the abusive words used by the petitioner against the deceased, she was forced to take an extreme decision of ending her life. The Judgment relied by the learned counsel for the petitioner cannot be applied at the stage of First Information Report, for the reason that the said Judgment came to be delivered after the investigation is over, trial conducted and recording of conviction by the trial Court and High Court. FIR allegations make out a cognizable offence against the petitioner.

8. In view of the above, this Court finds that, as of now there is no valid ground for the quashing the First Information Report in Crime No.303 of 2022 on the file of the 1st respondent police. Accordingly, the Criminal Original Petition is dismissed.

03.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order
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G.CHANDRASEKHARAN,J.

gd

To

1.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

2.The Public Prosecutor,
Madras High Court.

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