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Crl.O.P.Nos.3821 & 7775 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.3821 & 7775 of 2024
& Crl.M.P.Nos.2816, 2817, 5693 & 5694 of 2024

Crl.O.P.No.3821 of 2024

S.Moorthy.

... Petitioner/5th Accused

/versus/

1. The State Rep. by,
The Inspector of Police,
Indur Police Station,
Dharmapuri District.
(Crime No.1108 of 2020).

2. Arun Kumar.

... Respondents/Complainants

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to the impugned order in S.C.No.106 of 2023 on the file of District and Sessions Court, Dharmapuri and quash the same as against the petitioner is concerned.

For Petitioner : Mr.K.Dhananjayan

For R1 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

For R2 : No appearance



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Crl.O.P.No.7775 of 2024

S.Rathinavel.

... Petitioner/Accused

/versus/

1. The State Rep. by,
The Inspector of Police,
Indur Police Station,
Dharmapuri District.
(Crime No.1108 of 2020).

2. Arun Kumar.

... Respondents/Complainants

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to the impugned final order in PRC No.15 of 2022 on the file of Judicial Magistrate-II, Dharmapuri in F.I.R in Crime No.1108 of 2020 on the file of the 1st respondent herein, quash the same as against the petitioner is concerned.

For Petitioner : Mr.K.Dhananjayan

For R1 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

For R2 : No appearance

COMMON ORDER

These petitioners was arrayed as accused on the complaint alleging abetment to commit suicide. They are facing trial for the offence under Section 306 of I.P.C. The final report indicates that one Surappan had purchased about



1. 17 acres of land from one K.G.Chellamuthu in the year 2007 and had sold the property to one Rathinavel on 23.03.2020. The son of Chellamuthu by name Raja gone to the house of Rathinavel and requested him to reconvey the property to an extent of 40 cents which stands in the name of their grand father and questioned them that under the guise of rectifying the sale deed of the year 2007 executed in favour of Chellamuthu ,they have registered sale deed dated 23.03.2020. Since the petitioner and others who are land brokers abused Raja and had abetted him to commit suicide by saying, “if you are shamed of selling the grandfather's property, go and commit suicide.” Being humiliated, the said Raja has committed suicide on 27.07.2020 by hanging. The son of Raja by name, Arun Kumar has lodged a complaint to the Police and after investigation, the respondent police has filed final report.

2. The Learned Counsel appearing for the petitioners submitted that in the sale deed executed in favour of Rathinavel, both Chellamuthu and his son Raja are signatories and therefore, the contention of the complainant that under the guise of rectification deed, they were cheated by misrepresentation to execute sale deed is factually incorrect. In fact, the son of Chellamuthu wanted to convene a Panchayat in this regard, for which the petitioners refused saying that having purchased the property for valuable consideration, there is no



necessity to participate in the Panchayat. The sale deed was executed on 23.03.2020, whereas, the said Raja committed suicide on 27.07.2020. There is no proximity between the alleged incident of abetting to commit suicide and the suicide of said Raja.

3. The Learned Counsel for the petitioners relying upon the judgment of the Hon'ble Supreme Court submitted that the proximity of abetment and suicide has to be established by the prosecution. In this case, there is no evidence to show that the said Raja committed suicide by hanging on 27.07.2020 because of the abetment of this petitioner.

4. Further, the Learned Counsel appearing for the petitioner submitted that the land was purchased by Rathinavel who is the petitioner/1st accused in Crl.O.P.No.7775 of 2024. His brother Moorthy also been implicated in this case though there is no material to show that he has also abetted Raja.

5. The Learned Government Advocate (Crl.Side) appearing for the 1st respondent submit that as per the sale deed executed in favour of Rathinavel by Chellamuthu, his son Raja and others, three different properties been described. Whereas, the extent and survey numbers of these properties does not



tally with the title deed of Chellamuthu which is dated 06.06.2007. Therefore, in the course of investigation, it is found that due to misdescription of the survey number particularly 743/B instead of 743/C and the total extent, the rectification was necessary. However, by including the other legal heirs of Chellamuthu, the 1st accused/Rathinavel has obtained the sale deed with survey number which is different from the survey number described in the parent document of Chellamuthu.

6. Since, the ancestral property of the deceased Raja also been included in the sale deed, there was a dispute between them for which the deceased has requested for Panchayat. Instead of participating in the Panchayat, the petitioners had humiliated the deceased and abetted him to commit suicide. Since, commission of cognizable offence been made out in the course of investigation, the police has filed the final report.

7. This Court, after considering the submissions and the record finds that the description of property which Rathinavel purchased under the sale deed dated 23.03.2020 does not tally with the title deed of Chellamuthu. The sale deed in favour of Chellamuthu dated 06.06.2007 bears different measurement, survey number and extent. Therefore, this Court is of the view



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that the complaint cannot be quashed on the grounds raised by the petitioners herein. Hence, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

15.07.2024

Index :Yes/No.
Internet :Yes/No.

bsm

To:-

1. The Judicial Magistrate-II, Dharmapuri.
2. The District and Sessions Court, Dharmapuri.
3. The Inspector of Police, Indur Police Station, Dharmapuri District.
4. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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