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Crl.O.P.No.626 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 19 / 06 / 2025

Orders pronounced on : 11 / 09 / 2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.626 of 2025
and
Crl.M.P.Nos.237 and 239 of 2025

Mrs.S.Manju

.. Petitioner

Vs.

1. The State, rep. by
The Inspector of Police,
North Police Station, Erode.

2. Mr.S.V.Vasudevan

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. read with Section 528 of the BNSS to call for the records in S.C.No.102 of 2017 pending on the file of the learned I Additional Subordinate Court, Erode and quash the same and all further proceedings as against the petitioner.

For petitioner : Mr.Jayesh B.Dolia,
Senior Counsel for M/s.Aiyar and Dolia

For respondents : Dr.C.E.Pratap,
Government Advocate (Criminal Side) for R-1

Dr.C.Ravichandran,
Assisted by Mr.A.Mohammed Ghouse for R-2



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ORDER

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This petition has been filed to quash S.C.No.102 of 2017 on the file of the learned I Additional Subordinate Judge, Erode, as against the petitioner.

2. The case arises out of the death of one Mr.Arun Ram, son of the second respondent, who was found dead on 17.06.2014 at his residence at Erode. Initially, a case was registered under Section 174 Cr.P.C. on 18.06.2014. Subsequently, on 28.06.2014, the second respondent, who is the father of the deceased Arun Ram produced before the police a letter alleged to have been written by the deceased, wherein certain allegations were made against the petitioner and others. Based on this letter, the case was altered to one under Section 306 IPC. The alleged letter was sent to the forensic department, which opined that it was in the handwriting of the deceased. Statements of witnesses, many of whom are close relatives of the deceased and of the second respondent, were recorded. On completion of investigation, the police filed a charge sheet implicating the petitioner and her family members. The case was taken on file as S.C. No.102 of 2017 and charges were framed against the accused. To quash the said S.C. No.102 of 2017, the petitioner has filed this petition.



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3. The learned senior counsel for the petitioner submitted that the entire case of the prosecution rests solely on the alleged suicide note said to have been written by the deceased, and on that basis alone charges have been framed against the petitioner in a mechanical manner without proper judicial application of mind. It is contended that the alleged suicide note does not, even on its face, satisfy the ingredients of the offence under Section 306 IPC. The prosecution has failed to produce any credible or independent evidence to corroborate the allegations contained in the note. In support of this contention, the learned counsel placed reliance upon the judgment of the Hon'ble Supreme Court in ***Gian Kaur v. State of Punjab*** [(1996) 2 SCC 648], wherein it was held that abetment of suicide requires a clear mens rea to instigate or aid the deceased in committing suicide, and that without proof of such intentional instigation or active participation, conviction under Section 306 IPC cannot be sustained. Similarly, reliance was placed on the decision of the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal*** [1992 Supp (1) SCC 335], wherein the Apex Court laid down the guiding principles for exercise of jurisdiction under Section 482 Cr.P.C., holding that quashing of criminal proceedings is justified where the allegations do not disclose the commission of any offence, or where the proceedings are manifestly attended with mala fides and maliciously instituted.



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4. It was urged that the present case falls within the principles laid down in the above judgments, inasmuch as there is no material to show any instigation, intentional aid, or positive act on the part of the petitioner to drive the deceased to commit suicide, and the proceedings have been set in motion solely at the instance of the second respondent, who is a practising advocate and a former Public Prosecutor. According to the petitioner, the charge sheet is based only on the uncorroborated suicide note and the statements of interested witnesses, which at best raise suspicion but cannot constitute prima facie proof of abetment. The continuation of the criminal proceedings in such circumstances amounts to abuse of the process of law, warranting interference by this Court under Section 482 Cr.P.C.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent submitted that though the case was initially registered under Section 174 Cr.P.C., the production of the suicide note by the second respondent necessitated alteration of the case to one under Section 306 IPC. The said note was sent for forensic examination and was confirmed to be in the handwriting of the deceased. Based on this, and on the statements of witnesses recorded under Section 161 Cr.P.C., the charge sheet was filed implicating the petitioner. It was contended that prima facie material exists against the petitioner, and the issues raised are matters of defence to be examined during trial.

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6. The learned counsel for the second respondent adopted the submissions of the State and further submitted that the allegations of mala fides and undue influence are unfounded and have been repeatedly raised by the petitioner in earlier proceedings, which were not accepted. It was pointed out that the petitioner and the other accused had earlier filed Crl.O.P. Nos.1033 of 2018 and 935 of 2022 seeking transfer of investigation on the ground that the second respondent, being a practising advocate before this Court and having earlier served as Public Prosecutor, was exerting influence in the matter. This Court, by orders dated 26.08.2021 and 19.01.2022, dismissed the said petitions, one as not pressed and the other on merits. Thereafter, as against the order passed in Crl.O.P. No.935 of 2022, the petitioner and others preferred an appeal before the Hon'ble Supreme Court, which also confirmed the order of this Court. It was further urged that the present petition is merely an attempt to unduly delay the trial. According to the second respondent, the suicide note and other materials clearly disclose a prima facie case, and the genuineness and evidentiary value of the same can only be adjudicated during trial. Hence, the learned counsel prayed for dismissal of the present petition.

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7. This Court has carefully considered the rival submissions and perused the entire material on record.

8. It is an admitted position that the case initially originated as one under Section 174 Cr.P.C. and was later altered to an offence under Section 306 IPC on the basis of the alleged suicide note said to have been produced by the second respondent. The said document was subjected to forensic examination, a report has been filed, and the investigation thereafter culminated in the filing of a charge sheet. The case has since been committed to the Sessions Court, where charges have already been framed against the petitioner along with the other accused.

9. A reading of the statements of witnesses recorded under Section 161 Cr.P.C., coupled with the alleged suicide note and the opinion of the forensic expert, discloses the existence of prima facie allegations against the petitioner. The scope of the inherent jurisdiction of this Court under Section 482 Cr.P.C. is well settled. Such power is to be exercised sparingly and with great caution, only in circumstances where the allegations in the complaint or charge sheet, taken at their face value, do not constitute any offence, or where the prosecution is manifestly mala fide and an abuse of the process of law. Interference at the



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threshold is not justified when there are materials on record requiring appreciation by the trial Court.

10. The reliance placed by the petitioner on ***Gian Kaur v. State of Punjab*** (*supra*) is unexceptionable insofar as the legal principle is concerned, that abetment of suicide requires proof of instigation or intentional aid with a clear mens rea. However, whether such instigation or intentional aid is present in this case cannot be decided in proceedings under Section 482 Cr.P.C. at the stage prior to trial, and must be determined after appreciation of evidence before the Sessions Court. Similarly, the guidelines laid down in ***State of Haryana v. Bhajan Lal*** (*supra*) are binding, but the facts of the present case do not bring it within the exceptional categories warranting quashing of proceedings. The allegations in the charge sheet, coupled with the suicide note and forensic opinion, disclose the commission of a cognizable offence and cannot be said to be absurd or inherently improbable.

11. Thus, while the principles relied upon by the petitioner are sound in law, they are clearly distinguishable on facts in the present case. At this stage, when the charge sheet is supported by prima facie material and charges have already been framed, this Court finds no ground to quash the proceedings.



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12. In the light of the above discussion, this Criminal Original Petition fails and is dismissed. It is, however, made clear that the petitioner is at liberty to raise all her contentions and defences before the trial Court, which shall consider the same in accordance with law. The trial Court is directed to proceed with S.C.No.102 of 2017 expeditiously and conclude the trial at the earliest possible date. The parties shall extend full cooperation to ensure that the trial is completed without unnecessary delay.

13. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

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Neutral Citation Case : Yes/No
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1. The I Additional Subordinate Court,
Erode.
2. The Inspector of Police,
North Police Station, Erode.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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