

Crl.OP.No.6693 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM:
THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.6693 of 2024
and
Crl.MP.Nos.4924 and 4926 of 2024

P.Appusamy ... Petitioner

Vs.

1. The Inspector of Police,
Ammapettai Police Station,
Ammapettai, Erode District,
(Cr.No.102 of 2022)

2. Jayammal ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records concerned in S.C.No.75 of 2023 on the file of the District Mahila Court, Erode District and quash the same in so far as the petitioner is concerned.

For Petitioners : Mr.C.Prakasam

For Respondents : Ms.R.Vinothraja
Government Advocate (Crl.Side)
for R1
: Mr.N.S.Suganthan
for M/s.NSS Advocacy for R2



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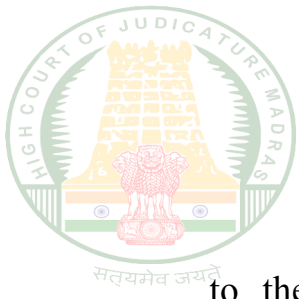
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ORDER

This petition has been filed to quash the proceedings in S.C.No.75 of 2023 on the file of the District Mahila Court, Erode.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The case of the prosecution is that the daughter of the second respondent got married the petitioner's son. Thereafter, they had reckoning the family dispute and as such very often the daughter of the second respondent used to go to the second respondent's house. On the advice of the second respondent, her daughter was sent back to matrimonial home. While being so, on 12.04.2022, the second respondent was informed that her daughter consumed poison and she was taken to hospital. However, on the way to hospital, she died and she was declared dead by the hospital authorities. Further, it is alleged that only because of the petitioner who scolded the deceased that already there is a dispute between the petitioner and her father and due



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to the said continuous torture given by the petitioner, the deceased had committed suicide by consuming poison. Hence, the complaint.

4. On the complaint lodged by the second respondent, the first respondent registered an FIR in Cr.No.102 of 2022 for the offences punishable under Sections 306 and 498A of IPC. After investigation, the first respondent filed a final report and the same has been taken cognizance in S.C.No.73 of 2025 by the trial Court.

5. A perusal of records revealed that the petitioner is the sole accused who is none other than the father-in-law of the deceased. The deceased was given in marriage to the petitioner's son, 14 years before the deceased committed suicide. There is previous enmity prevailing between the petitioner and the father of the deceased with regard to their politics and temple affairs, since both are hailing from the same village. While that being so, due to misunderstanding between the deceased and her husband, she went to her parents house, where she was returning to her



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matrimonial home on 12.04.2022 at 12.45 p.m, the petitioner scolded her. The relevant portion of the charge sheet is extracted here under:

" உன் அப்பன் எங்க ளுக்கு ஆகாதவர், நீ எதற்கு அங்கு போன சோறு தான திங்கற, உனக்கு புத்தியில்லனா நீயெல்லாம் இனிமே உயிரோடு இருந்து என்ன சாதிக்கப் போற, சாதிக்க வேண்டியது தான்".

Therefore, the deceased could not able to bear the said words and committed suicide by consuming poison on the same day.

6. A perusal of records further revealed that the petitioner had scolded the deceased, the deceased called her mother namely the second respondent herein through her mobile phone and informed about the petitioner's statement against her. Except the said statement, no other allegation is made against the petitioner to abet the deceased to commit suicide. There is no other evidence to show that there was a continuous torture or harassment by the petitioner to the deceased. It is relevant to extract the provisions under Section 306 and 107 of IPC.



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“ 107.Abetment of a thing- A person abets the
doing of a thing, who-

First-Instigates any person to do that thing; or

*Secondly-Engages with one or more other person
or persons in any conspiracy for the doing of that thing,
if an act or illegal omission takes place in pursuance of
that conspiracy, and in order to the doing of that thing;
or*

*Thirdly- Intentionally aids by any act or illegal
omission, the doing of that thing.*

*“ 306: Abetment of Suicide- If any person commits
suicide, whoever abets the commission of such suicide, shall
be punished with imprisonment of either description for a
term which may extend to ten years, and shall also be liable
to fine .*

7. Thus it is clear that in order to attract the provision
under Sections 107 and 306 of IPC, the accused should have
abetted the commission of suicide. A person abets doing of the
thing who firstly instigates any person to do that thing or
secondly engages with one or more other person or persons in
any conspiracy for the doing of that thing, if an act or illegal
omission takes place in pursuance of that conspiracy and in



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order to doing of that thing or thirdly intentionally aids by any act or illegal omission of doing that thing. Therefore, the words allegedly uttered by the petitioner or casual nature which are often employed in the heat of the moment between quarrelling people. Nothing serious is expected to follow thereafter. Hence, the said act doesn't reflect the requisite *mens rea* on the assumption that these words would be carried out in all events. Further, the intention to bring about the suicide of the person concerned, as a result of that the abetment is required. The intention of the accused to aid or to instigate or to abet the deceased to commit suicide is must to attract the offence under Section 306 of IPC.

8. In this regard, the learned counsel for the petitioner relied upon the recent Judgement of the Hon'ble Supreme Court of India rendered in the case of ***Mahendra Awase Vs. The State of Madhya Pradesh*** in Crl.A.No.221 of 2025, wherein it has been held as follows:

15. In Amalendu Pal alias Jhantu vs. State of West Bengal, (2010) 1 SCC 707, this Court held as



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under:-

“12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.

[Emphasis supplied]

16. In order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution



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before he could be convicted under Section 306 IPC.

17. M. Mohan vs. State, (2011) 3 SCC 626

followed Ramesh Kumar vs. State of Chhattisgarh,

(2001) 9 CC 618, wherein it was held as under:-

41. This Court in SCC para 20 of Ramesh Kumar has examined different shades of the meaning of "instigation". Para 20 reads as under: (SCC p. 629)

"20. Instigation is to goad, urge forward, provoke, incite or encourage to do 'an act'. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."

In the said case this Court came to the conclusion that

there is no evidence and material available on record

wherefrom an inference of the appellant accused

having abetted commission of suicide by Seema (the

appellant's wife therein) may necessarily be drawn."

Thereafter, this Court in Mohan (supra) held:-

45. The intention of the legislature and the ratio of the cases decided by this Court are clear that in order to convict a person



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under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he/she committed suicide."

[Emphasis supplied]

18. As has been held herein above, to satisfy the requirement of instigation the accused by his act or omission or by a continued course of conduct should have created such circumstances that the deceased was left with no other option except to commit suicide. It was also held that a word uttered in a fit of anger and emotion without intending the consequences to actually follow cannot be said to be instigation".

Applying the principle to the facts of the present case, there is absolutely no grounds to attract the offence under Section 306 of IPC. In so far as the offence under Section 498A of IPC is concerned, there is no whisper of any allegations to attract the offence under Section 498A of IPC.

9. Even according to the second respondent there was a dispute between the petitioner and the father of the deceased



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with regard to politics and temple matters, since both are hailing from same village and they are heading the Temple Committee and also contested in the election. There is no allegation as against the petitioner to attract the offence under Section 498A of IPC. In view of the above, the entire proceedings are nothing but clear process of law and it cannot be sustained and liable to quashed as against the petitioner.

10. Accordingly, the proceedings in SC.No.75 of 2023 on the file of the learned District Mahila Court, Erode is hereby quashed as against the petitioner and the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are also closed.

19.03.2025

Vv



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To

1. The District Mahila Court, Erode
2. The Ammapettai Police Station,
Ammapettai, Erode District,
3. The Public Prosecutor,
Madras High Court,
Chennai.



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Vv

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