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Crl.O.P.No.3126 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3126 of 2025

and

Crl.M.P.Nos.2090 and 2091 of 2025

Chithra

... Petitioner

Vs

1. The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.
Crime No. 91 of 2024.

2. Nagarajan

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.S.S.
to call for the records with respect of the charge sheet in PRC.No.67 of 2024
on the file of the Judicial Magistrate No. II, Pollachi and quash the same.

For Petitioner : Mr. R.Nalliyappan

For Respondents : Mr.R.Vinothraja,
Government Advocate (Crl. Side) (for R1)



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ORDER

This petition has been filed to quash the proceedings in PRC No.67 of 2024 on the file of the Judicial Magistrate No.II, Pollachi, thereby taking cognizance for the offences under Section 306 of IPC in Crime No.91 of 2024, as against this petitioner.

2. The petitioner is arrayed as the first accused in PRC No.67 of 2024. There are totally two accused. On the complaint lodged by the brother of the deceased, the first respondent registered the First Information Report in Crime No.91 of 2024 under Section 174 of Cr.P.C., and thereafter altered it to Section 306 of IPC.

3. The case of the prosecution is that, as per the complaint of the second respondent, his brother, viz., Karuppasamy, was working as a Village Administrative Officer. He was having a breathing problem, for which he had taken medicine continuously and further, he was unmarried. He was having mental stress since he was not able to get married. Hence, he used to



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make requests before his parents to make arrangements for his marriage and the same was intimated to the second respondent by his parents. Later, on 23.04.2024, at about 6.00 a.m., the mother of the second respondent called the second respondent through a mobile phone and intimated that the second respondent's brother had consumed a poisonous tablet. Hence, she was taking him to the Government Hospital, Pollachi, through an ambulance. Thereafter, the second respondent went to the hospital and found that doctors were providing treatment to the said Karuppasamy.

3.1. While so, on enquiry with his brother Karuppusamy, it was informed that he had consumed poisonous tablets. Later, on enquiry with the mother of the second respondent, he came to understand that on 22.04.2024, Karuppusamy came to the house at night hours and as usual, the said Karuppusamy was in a depressed situation and argued with his mother that he was not having any interest to live further. Thereafter, he had taken his mother's mobile phone and went to the open terrace of the house, and thereafter, at about 11.00 p.m., the mother of the second respondent went to the open terrace and found that he was speaking with someone else on the



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mobile phone. Later, on 23.04.2024, at about 5.45 a.m., the mother of the second respondent went to the open terrace of the house and found that the said Karuppusamy had consumed poisonous tablets.

3.2. Immediately, she had taken him in an ambulance to the hospital, where he died at about 7.45 a.m. Subsequently, the second respondent herein made a complaint before the first respondent, stating that since the deceased Karuppusamy was having a breathing problem and was unmarried, hence, he was in a depressed situation and in the course of that, he consumed poisonous tablets along with sleeping tablets and died. Further, the second respondent has specifically stated that apart from the above-said reason, there is no other reason for the suicide of the said Karuppusamy. Hence, the complaint was registered under Section 174 of Cr.P.C. After completion of the investigation, the first respondent altered the offence under Section 306 of IPC on the strength of the suicide note recovered from the deceased.

4. The learned counsel for the petitioner would submit that she is



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a physically challenged person, and the allegations against the petitioner are that she had given false news against the deceased, portraying him as a corrupt person and the same was published in a news magazine. Therefore, he committed suicide. The said news was published in the month of February, whereas the deceased consumed poison in the month of April, that too for the reason that he suffered from illness. In fact, all the relatives of the deceased had categorically stated that he committed suicide only because of his illness. He further submitted that the petitioner had no intention to abet the deceased to commit suicide. In support of his contention, he relied on the judgment of the Hon'ble Supreme Court of India in ***Jayadeepsinh Pravinsinh Chavda & Ors. Vs. State of Gujarat***, reported in ***2025 (1) MWN (C.) 1 (SC)***.

“17. Section 306IPC penalises those who abet the act of suicide by another. For a person to be charged under this section, the prosecution must establish that the accused contributed to the act of suicide by the deceased. This involvement must satisfy one of the three conditions outlined in Section 107IPC. These conditions include the accused instigated or encouraged the individual to commit suicide,



conspiring with others to ensure that the act was carried out, or engaging in conduct (or neglecting to act) that directly led to the person taking his/her own life.

*18. For a conviction under Section 306IPC, it is a well-established legal principle that the presence of clear mens rea—the intention to abet the act—is essential. Mere harassment, by itself, is not sufficient to find an accused guilty of abetting suicide. The prosecution must demonstrate an active or direct action by the accused that led the deceased to take his/her own life. The element of mens rea cannot simply be presumed or inferred; it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law is not satisfied, underscoring the necessity of a deliberate and conspicuous intent to provoke or contribute to the act of suicide. The same position was laid down by this Court in *S.S. Chheena v. Vijay Kumar Mahajan*, (2010) 12 SCC 190, wherein it was observed that:*

“25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the



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ratio of the cases decided by the Supreme Court is clear that in order to convict a person 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 that act must have been intended to push the deceased into such a position that he committed suicide.”

4.1. The learned Counsel appearing for the petitioner would also submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.91 of 2024 for the offences under Section 306 of IPC, as against the petitioner and the same has been taken cognizance in P.R.C.No.67 of 2024 on the file of the learned Judicial Magistrate No.II, Pollachi. Hence he prayed to quash the same.

5. The learned Government Advocate (Crl. Side) would submit that the trial has been commenced and some of the witnesses have been examined in this case.



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6. Heard the learned Counsel appearing on either side and perused the materials placed on record.

7. On a perusal of the records, it reveals that the petitioner is none other than the Village Administrative Officer's Assistant and was working along with the deceased. On a perusal of the suicide note dated 23.04.2024, it categorically reveals that only because of the petitioner, he suffered mental agony and committed suicide by consuming poison. When the deceased was working as Village Administrative Officer, the petitioner made false allegations against him and also gave false information to the news magazine, which was published, thereby the deceased got tarnished among the public. Therefore, the above judgement cited by the petitioner is not applicable to the case on hand.

8. It is seen that on the complaint lodged by the second respondent, the first respondent registered a case in Crime No.91 of 2024 for the offences under Section 306 of IPC. After completion of



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investigation, the first respondent filed final report and the same has been taken cognizance in P.R.C.No.67 of 2024 by the trial Court and it is pending. To quash the said criminal proceeding, the petitioner filed the present petition.

9. The Hon'ble Supreme Court of India in the judgment reported in **2019 (4) SCC 351** in the case of ***Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019 dated 02.04.2019)*** while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no *prima facie* case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.



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10. Further, the Hon'ble Supreme Court of India in the judgment reported in **2019 (10) SCC 686** in the case of ***Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019*** dated 17.10.2019) held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therefore, this Court has no power to consider the disputed facts under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

11. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in ***Crl.A.No.1817 of 2019*** in the case of ***M.Jayanthi Vs. K.R.Meenakshi & anr***, held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court can also see whether the preconditions



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requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

12. Further this Court cannot observe at this stage that the initiation of criminal proceeding itself is malicious. Whether the criminal proceeding is malicious or not, is not required to be considered at this state. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final report/charge sheet cannot be entertained to quash the entire proceedings.

13. In view of the above discussion, this Court is not inclined to quash the proceedings in P.R.C.No.67 of 2024 on the file of the learned Judicial Magistrate No.II, Pollachi. The petitioner is at liberty to raise all the grounds before the trial Court. Since the petitioner is physically challenged person, her personal appearance is dispensed with and she shall be



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represented by a counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. The trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this order.

14. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are also closed.

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Index: Yes/No
Neutral Citation/Yes/No
kv

To

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