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CRL.O.P.No.15278 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

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

CrI.O.P.No.15278 of 2023
and CrI.M.P.No.9513 of 2023

Bhupathi

... Petitioner

Vs.

1. The State represented by
Inspector of Police,
B-2, Esplanade Police Station,
Chennai District.
(Crime No.130 of 2023)

2. Arulmuthukumarasamy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C.,
praying to call for the records relating to the Crime number in 130 of 2023 on
the file of B2 Esplanade Police Station, Chennai and to quash the same and to
allow the above Criminal Original Petition.

For Petitioner : Mr.Prabakaran
For Mr.R.Thamaraiselvan
For Respondents
For R1 : Mr. R.Vinothraja
Government Advocate (CrI. Side)
For R2 : Mr.C.K.M.Appaji



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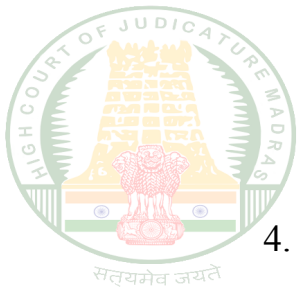
ORDER

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This petition has been filed to quash the F.I.R. in Crime No. 130 of 2023 registered by the first respondent police for offences punishable under Sections 306 & 511 of IPC, as against the petitioner.

2. On the complaint lodged by the second respondent, the first respondent registered the FIR in Crime No.130 of 2023 on the allegations that the second respondent was working as Driver under the petitioner and due to shortage in diesel, the petitioner terminated the second respondent and also refused to return the second respondent's original driving license. It is also alleged that the petitioner asked the second respondent to pay money for 160 litres of diesel. Therefore, the second respondent poured petrol on him and asked for his license in the petitioner's office. Since the staff of the petitioner refused to return the license, the second respondent had set fire on himself. However, he was admitted in the Stanley hospital and was saved.

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



4. It is seen that the second respondent had attempted to commit

suicide and after the incident he was taken to hospital. He only lodged complaint on 21.06.2023 and in the hospital his statement was also recorded and thereafter the first respondent registered the FIR. It is unfortunate to state that the first respondent without knowing the provision, mechanically registered the FIR for the offence punishable under Section 306 of IPC. When the second respondent is very much alive, Section 306 of IPC is not at all attracted as against the petitioner. Besides that the second respondent attempted to commit suicide by pouring petrol on his own and set fire on himself. However, immediately, he was taken to hospital and now he is surviving with burn injuries.

5. It is relevant to extract the Section 306 of IPC as follows:-

“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.”

Thus it is clear that if the person commits suicide, whoever abets the commission of such suicide, the offence under Section 306 of IPC will attract. In the case on hand, the second respondent is very much alive even till today,



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after the said occurrence. Therefore, the offence under Section 306 of IPC is not at all attracted as against the petitioner. That apart, the allegation as against the petitioner is that the petitioner insisted for money for the shortage of diesel. Therefore, Section 511 of IPC is also not attracted as against the petitioner. In view of the above, the entire FIR is nothing but clear abuse of process of law and it is liable to be quashed.

6. Accordingly, the impugned F.I.R. in Crime No. 130 of 2023 on the file of the first respondent is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

09.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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1. Inspector of Police,
B-2, Esplanade Police Station,
Chennai District.

2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

rts

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