



CrI.O.P.No.18906 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.18906 of 2024

and

CrI.M.P.Nos.11162 & 11163 of 2024

Sanjay Ragul

... Petitioner

Vs.

1.The State through
The Inspector of Police
Krishnagiri District
(Cr.No.273 of 2023)

2.Peter Babu

... Respondents

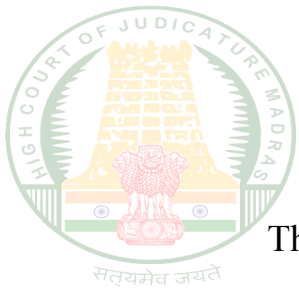
PRAYER : Criminal Original Petition is filed under Section 528 of BNSS,
to call for the records in PRC.No.10 of 2024 on the file of the learned
Judicial Magistrate No.II, Hosur and quash the same.

For Petitioner : Mr.K.Kannan
for M/s.APN Law Associates

For Respondents : Mr.K.M.D.Muhilan for R1
Additional Public Prosecutor

Mr.S.Mayilnathan for R2

ORDER



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This petition has been filed to call for the records in PRC.No.10 of 2024 on the file of the learned Judicial Magistrate No.II, Hosur and quash the same.

2. The accused is the sole accused facing charge under Sections 306 of IPC, 4 of TN Prohibition of Harassment of Women Act, 2002 and 67A of the Information Technology Act, 2000.

3. The allegations against the accused is that the defacto complainant's daughter and the accused fell in love, were in relationship from the year 2021 and some dispute arose between them. On 02.09.2022, the defacto complainant's daughter was forced to cause self injury to show that she is actually loving the accused. Accordingly, with a blade she had sustained a self inflicted injury. Thereafter, on 29.07.2023, when the deceased called the accused, the accused replied that he is no-way interested to talk the accused as he is in relationship with some other lady and further replied not to talk and asked to go to die and further allegations in the final report is that the accused threatened the deceased that if she repeatedly calls him, he will upload her nude photos in the public platform, it was the reason for her committing the suicide.



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WEB COPY 4. The learned counsel for the petitioner submitted that absolutely there is no evidence to show that there was incitement or abetment to attract the offence under Section 306 of IPC, it is purely love affairs between the deceased and the accused. There was no evidence to show that there was phone call on the date of the suicide, therefore, in the absence of any evidence to show that there was a phone call, merely, because the deceased had committed suicide, the relationship of the deceased and the accused cannot be put against him and charge under Section 306 of IPC cannot be slapped against the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials placed on record.

6. When the entire materials relied upon by the prosecution make out no offence, the Court will not be hesitant in quashing the proceedings, whereas, in this case, the accused is facing charges under Section 306 of IPC. To attract the offence under Section 306 of IPC, the abetment tantamount to instigation has to be proved. Instigation is literally means



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urge forward, or goad or drive a person to go to extreme steps to commit suicide. Now, the allegations against the petitioner that they were in relationship for more than 2 years. On the date of committing suicide, when the deceased called the accused, the accused threatened not to call her and if she repeatedly calls him, he will upload the nude photos in the public platforms. That apart, it also appears that he had scolded the accused to go and die.

7. Whether such act of threatening to upload the nude photographs of the deceased will amount to instigation or it in fact driven the deceased to commit the suicide has to be seen in the context of various circumstances come on record. At this stage, this Court merely on the basis of submissions cannot come to the definite conclusion that such statement will never amount to abetment or incitement. There are witnesses who have spoken that the deceased on the date of occurrence, i.e., date of committing suicide had called the accused and she had informed the witnesses about the utterance made by the accused on the same day itself. Considering all these facts, at this stage, this Court is not inclined to quash the proceedings as against the petitioner. The Trial Court has to decide the case on its own merits without influence of the observations made by this Court while dismissing the quash



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petition.

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8. Accordingly, this petition stands dismissed. Consequently, connected miscellaneous petitions stand closed.

24.09.2025

dhk

Neutral Citation : Yes/No

Internet : Yes/No

To

1. The Judicial Magistrate No.II, Hosur

2. The Inspector of Police
Krishnagiri District

3. The Public Prosecutor,
High Court of Madras.

N. SATHISH KUMAR, J.



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