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CRL RC No. 2317 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2317 of 2025

AND

CRL MP NO. 21166 OF 2025, CRL MP NO. 21164 OF 2025

1. S.Ganesan

S/o.Sethurajan, Residing at No.204, 1st
Floor, Velan Nagar Main Road,
Valasaravakkam, Chennai - 600 087.

Petitioner(s)

Vs

1. State Rep. by

Inspector of Police, J4 Kotturpuram
Police Station, Chennai - 600 085.

2.M.Rahul

S/o.Late Mohan Kumar, Residing at
No.16/4, Nandanam Extension, 5th
Main Road, Chennai - 600035.

Respondent(s)

PRAYER

To call for the records and SET ASIDE the Order dated 22.09.2025 passed by the Honble XVIII Additional City Civil Court, Chennai in Crl.M.P.No.12128 of 2024 and consequently discharge the Petitioner from all offences alleged in S.C.No.51 of 2024 pending on the file of the Honble XVIII Additional City Civil Court, Chennai, and pass any other order or orders as this Honble Court.

CRL RC No. 2317 of 2025



For Petitioner(s): Mr.C. Mani Shankhar, Senior
counsel for
Rahul M Shankar
Chandini Pradeep Kumar
S.Karthik
M.Aravindan
Avanti Balachander
Mhanasha Devi K.R.
Aravind A S

For Respondent(s): Dr.C.E Pratap, Government
Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed to call for the records and set aside the Order dated 22.09.2025 passed by the XVIII Additional City Civil Court, Chennai in Crl.M.P.No.12128 of 2024 and consequently discharge the Petitioner from all offences alleged in S.C.No.51 of 2024 pending on the file of the XVIII Additional City Civil Court, Chennai.

2. The brief facts of the case:

The Second respondent herein has lodged a complaint before the first respondent police on 16.09.2017 alleging that his father Mohan Kumar was operating a furniture business under the name 'System Furniture Shop' from his home but his business was not going well for the past two months and he was worried about the same. On 15.09.2017 at around 2.30 pm, the deceased went out. One of the father's friends that came home at around 4.30 pm and informed him that deceased jumped from Kotturpuram Bridge into the Adyar



river. The mortal remains of the deceased was found on 16.09.2017. He alleging that the deceased could have died due to loan problems. Based on that complaint, the first respondent police registered FIR in Crime No. 1083 of 2017 under Section 174 Cr.P.C. Thereafter, 2nd respondent had alleged to have given a copy of the suicide note of the deceased to the respondent police and thereafter, the respondent police altered the Section of offence of the FIR into Section 306 IPC from 174 Cr.P.C. After completing the investigation, 1st respondent police preferred the final report filed under Section 306 IPC and Sections 3, 4 & 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. Thereafter, the petitioner herein filed Cr.MP. No. 12128 of 2024 in SC No. 51 of 2024 on the file of the XVIII Additional City Civil Court, Chennai, under Section 227 Cr.P.C seeking to discharge him from the case. On hearing both sides, the Trial Court held that to attract offence under Section 306 IPC it is necessary the accused should have abetted the deceased to commit suicide, to decide the said charge the Court must carefully examine the facts and circumstances of the case and also assess evidence adduced before the Court in order to find out whether any harassment was meted out to the victim which also includes direct for in direct at of the inducement to the commission of suicide by relying on the submissions on either side the respondent police submitted the arguments based upon the alleged suicide note wherein name of the petitioner is specifically mentioned. Therefore, considering all those facts the Trial Court held that charges against the accused under Section 306 IPC can



be decided only after full trial. Accordingly, dismissed the petition filed by the petitioner. Challenging the same, the petitioner filed this criminal Revision Case.

3. The learned senior counsel appearing for the petitioner submits that the Trial Court has failed to consider the fact that Section 306 IPC r/w Section 107 IPC requires instigation, active participation, or intentional aid in the commission of suicide. The materials placed by the prosecution do not reveal any overt or proximate act on the part of the petitioner. A lawful demand for repayment of an admitted loan liability cannot amount to instigation and therefore, cannot have been the sole reason for the death of the deceased as stated in the impugned order. Furthermore, as held by the Hon'ble Supreme Court in a catena of judgments there has to be a clear mens rea on the part of the accused to abet the commission of suicide. Utterance of a word or statement in fit of anger will is not sufficient proof of such instigation or abetment. Further, he relied on the judgement of the Hon'ble Supreme Court reported in the case of Madan Mohan Singh Vs. State of Gujarat & Another reported in 2010 8 SCC (628):

9. It is absurd to even think that a superior officer like the appellant would intend to bring about suicide of his driver and, therefore, abet the offence. In fact, there is no nexus between the so called suicide (if at all it is one for which also there is no material on record) and any of the alleged acts on the part of the appellant. There is no proximity either. In the prosecution under [Section 306, IPC](#), much more material is required. The Courts have to be



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extremely careful as the main person is not available for cross-examination by the appellant/accused. Unless, therefore, there is specific allegation and material of definite nature (not imaginary or inferential one), it would be hazardous to ask the appellant/accused to face the trial. A criminal trial is not exactly a pleasant experience. The person like the appellant in present case who is serving in a responsible post would certainly suffer great prejudice, were he to face prosecution on absurd allegations of irrelevant nature. In the similar circumstances, as reported in *Netai Dutta Vs. State of W.B.* [2005 (2) SCC 659], this Court had quashed the proceedings initiated against the accused.

10. As regards the suicide note, which is a document of about 15 pages, all that we can say is that it is an anguish expressed by the driver who felt that his boss (the accused) had wronged him. The suicide note and the FIR do not impress us at all. They cannot be depicted as expressing anything intentional on the part of the accused that the deceased might commit suicide. If the prosecutions are allowed to continue on such basis, it will be difficult for every superior officer even to work.

11. It was tried to be contended by the learned counsel appearing on behalf of the complainant that at this stage, we should not go into the merits of the FIR or the said suicide note. It is trite law now that where there is some material alleged in the FIR, then such FIR and the ensuing proceedings should not be quashed under [Section 482 Cr.P.C.](#) It is for this reason that we very closely examined the FIR to see whether it amounts to a proper complaint for the offence under [Sections 306 and 294\(b\) IPC](#). Insofar as [Section 294\(b\) IPC](#) is concerned, we could not find a single word in the FIR or even in the so-called suicide note. Insofar as [Section 306 IPC](#) is concerned, even at the cost of repetition, we may say that merely because a person had a grudge against his superior officer and committed suicide on account of that grudge, even honestly feeling that he was wronged, it would still not be a proper allegation for basing the charge under [Section 306 IPC](#). It will still fall short of a proper allegation. It would have to be objectively seen whether the allegations made could reasonably be viewed as proper allegations against the appellant/accused to the effect that he had intended or engineered the suicide of the concerned person by his acts, words etc. When we put the present FIR on this test, it falls short. We have already explained that the baseless and irrelevant allegations could not be used as a basis for prosecution for a serious offence under [Section 306 IPC](#). Similarly, we have already considered [Section 294\(b\) IPC](#) also. We have not been able to find anything. Under such circumstances, where the FIR itself does not have any material or is not capable of being viewed as having material for offence under [Sections 306 and 294\(b\) IPC](#), as per the law laid down by this Court in *State of Haryana & Ors. Vs. Bhajan Lal & Ors.* [1992 Suppl. 1 SCC 335], it would be only proper to quash the FIR and the further proceedings.

4. Further, he relied on the judgement of the Hon'ble Supreme Court reported in the case of *Prabhat Kumar Mishra Vs. State of Uttar Pradesh* reported in (2024) 3 SCC 665. Hence, he prays to allow this Criminal Revision Case.

5. The learned Government Advocate (Crl. Side) Submits that during



the investigation suicide note was secured by the respondent police, wherein the petitioner name was specifically mentioned and also it is stated the petitioner had demanded exorbitant interest for the loan from the deceased and threatened the deceased. Thereafter, the petitioner has committed suicide. Hence, there is sufficient material against the petitioner. He prays to dismiss this Criminal Revision Case.

6. Heard the submission of the learned Senior counsel for the petitioner and the learned Government Advocate (Crl. Side).

7. On perusal of the records, the deceased has specifically mentioned the name and the phone number of the petitioner in the suicide note and also alleged that in spite of paying Rs.2 crores for Rs.37 lakhs loan, the petitioner has demanded exorbitant interest and threatened the deceased. The learned senior counsel for the appellant submits that there was a loan transaction between the petitioner and the deceased, due to which, proceedings under Negotiable Instrument Act was initiated, wherein the wife of the deceased has settled entire amount, almost they entered into an compromise. However, those facts are irrelevant to the charges levelled against the petitioner in the present case. Admittedly, before the deceased committing suicide, there was a loan transaction between the petitioner and the deceased. Now, the prosecution relied on the suicide note, wherein the petitioner's name is mentioned. It will be premature to discharge the petitioner and the same was rightly observed by the Trial court which needs no interference. Further, the Trial court is directed to



proceed with the Trial without influence of observation made in this order.

Accordingly, this Criminal Revision Case is dismissed.

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To

- 1.The XVIII Additional City Civil Court, Chennai.
- 2.The Inspector of Police, J4 Kotturpuram Police Station, Chennai - 600 085.
- 3.The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.
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