



Crl.O.P.(MD)No.1222 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1222 of 2025
and Crl.M.P.(MD)Nos.835 & 836 of 2025

T.Sathiskumar

... Petitioner

Vs

1. The Assistant Commissioner Of Police,
Srirangam Police Station,
Trichy District.
Crime No. 366/2017.

2. Muthukumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in S.C No. 156/2021 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli for the following among other and quash the same in so far as the petitioner in the interest of justice.

For Petitioner : M/s. C.Muthusaravanan

For Respondents : Mr. K.Sanjai Gandhi,
Government Advocate (Crl.Side)



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ORDER

The Criminal Original Petition has been filed to quash the case in S.C No. 156/2021 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli in so far as the petitioner/A5 is concerned.

2. The case of the prosecution is that A4, who is the friend of the defacto complainant's co-brother Viswanathan, has introduced A1 to the defacto complainant, since she is in need of funds to start a Dance School at Srirangam. Believing their words, the said Viswanathan had lent a sum of Rs.60 lakhs to A1. A1 assured to return back the money once she started the School. However, the said amount was not returned back by A1. When the same was demanded by the said Viswanathan, the accused persons refused to return the same. Due to the mental agony, the said Viswanathan left with no other option, he, his wife, Deivani, his daughter, Kishanthi and his son Gunasekaran had committed suicide. Based on the complaint given by the defacto complainant, a case has been registered by the respondent police in Cr.No.366 of 2017 against the accused persons for the offence under Section 306 IPC, since all the



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accused persons have abetted the deceased persons to commit suicide.

After completion of investigation, final report has been filed before the District Munsif cum Judicial Magistrate Court, Srirangam and taken on file as PRC No.11 of 2019. Since the offence is 306 IPC, the case has been committed to the Court of Sessions and taken on file in S.C.No.156 of 2021 and pending before the Chief Judicial Magistrate, Tiruchirappali.

4.The learned counsel for the petitioner submitted that the petitioner, who is arrayed as A5, is innocent and he has not committed any offence as alleged by the prosecution. Even in the FIR and in the suicidal note found in the house of Viswanathan, his name was not found. However, he has been arrayed as an accused during the enquiry only. In this case, PW1 and PW2 are the witnesses, who spoke about the money handed over by Viswanathan to A1 to start a Dance School and since, the amount was not returned back, all the family members of said Viswanathan had committed suicide. However, PW1 and PW2 have not stated anything about the petitioner. Further, A4 has only introduced A1 to A3 to the said Viswanathan.



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5.The learned counsel further submitted that this Court has already held in number of cases that in a criminal case, even a person is named in the suicidal note, it will not immediately lead to a conclusion that he is the offender under Section 306 IPC. Since the name of the petitioner is not mentioned in the suicidal note, which clearly shows that there is no overt act attributed against the petitioner. The case is under the stage of trial and the witnesses have not stated about the involvement of the petitioner.

6.The learned Additional Public Prosecutor appearing for the respondent police submitted that in this case, trial has been commenced and so far, 9 witnesses have been examined. Though the witnesses have not stated about the role of the petitioner as of now but, the trial has to reach its logical conclusion. The interpretation of the petitioner in respect of suicidal note has to be decided during trial. The trial Court has to decide under what circumstances, the suicidal note has been written by the deceased persons, which cannot be decided at the quash petition. Hence, prays to dismiss the petition.



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7.It is further submitted that earlier, the petitioner has filed a petition for discharge before the trial Court and the same was dismissed, against which, he had preferred a revision before this Court in CrI.R.C(MD) No.779 of 2023 and the same was dismissed.

8.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials available on record.

9.Considering the nature of offence and overt act attributed against the accused persons, the contentions raised by the petitioner has to be tested only before the trial Court during trial. Already in this case, trial has been commenced. Nine witnesses were examined. In such circumstances, this Court is not inclined to quash the charge sheet against the petitioner.

10.At this stage, the learned counsel for the petitioner submitted that the petitioner is a Teacher working at Chennai and he could not travel frequently for every hearing.



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11.In view of the above, this criminal original petition stands dismissed. Considering the fact that the petitioner is employed in Chennai, the personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of questioning under Section 313 Cr.P.C., at the time of passing judgment and as and when the trial Court directed the petitioner to appear. Consequently, connected miscellaneous petitions are closed.

29.01.2025

NCC: Yes/No
Index: Yes/No
Internet : Yes/No
PNM

To

1.The Chief Judicial Magistrate, Trichy

2. The Assistant Commissioner Of Police,
Srirangam Police Station,
Trichy District.
Crime No. 366/2017.

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

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M.NIRMAL KUMAR, J.

PNM

ORDER IN
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