



Crl.O.P.(MD) No.8004 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.8004 of 2025

and

Crl.M.P.(MD) No.6013 of 2025

- 1.Neelavathi
- 2.Rajeswari @ Raji
- 3.Jeyalakshmi
- 4.Pathmavathi
- 5.Neelakandan
- 6.Vijayalakshmi @ Viji

... Petitioners/A2 to A7

Vs.

- 1.The State of Tamilnadu rep. by,
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.830 of 2021)

- 2.Masilamani

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, 1973/Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the impugned charge sheet in S.C.No.27 of 2025 on the file of the learned Mahila Court, Pudukkottai, and quash the same insofar as the petitioners/A2 to A7 are concerned.



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For Petitioners : Mr.A.Aruljenifer
for M/s.KBS Law Office

For Respondents : Mr.R.Meenakshi Sundaram (for R1)
Additional Public Prosecutor
No appearance (for R2)

ORDER

The petitioners seek to quash the impugned Charge Sheet in S.C.No.27 of 2025 on the file of the learned Mahila Court, Pudukkottai, which was filed for the offences under Section 306 of IPC.

2.The gist of the allegation in the final report is that the first accused namely, Ilayaraja married the de facto complainant's daughter/victim in the year 2012 and that out of the wedlock, a son was born; that the victim was sent out of the matrimonial house, when she became pregnant; that none of the petitioners had visited the victim or the new born after the child birth; that in August 2019, there was a mediation and the petitioners undertook that they would not disturb the matrimonial affairs between the first accused and the victim girl; that the first accused after promising that he would take care of the victim, had extra-marital affairs with the 8th accused; that three days prior to the occurrence, the victim had written a letter stating that her life is in danger; that on



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10.07.2021, the victim had consumed poison on the instigation of the petitioners and committed suicide and therefore, the petitioners are liable for the aforesaid offences.

3.The learned counsel for the petitioners would submit that none of the petitioners are living in the matrimonial home; that the only grievance of the victim even according to the prosecution is that the first accused had extra-marital affairs with the 8th accused; that the petitioners have nothing to do with the alleged extra-marital affairs of the first accused; that the prosecution has suppressed the letters said to have been written by the victim three days prior to the occurrence; that the prosecution had examined one Kumaran, who was the neighbour of the victim and who had stated that the victim had handed over the letter and that he had destroyed the letter and that he had sent the photo of the letter taken to the victim's sister one Sharmila and that the prosecution had not produced the said photograph, which was allegedly taken from the victim's suicide note and that the allegations in the impugned final report even if it is accepted to be true would not constitute the offence under Section 306 of IPC and prayed for quashing.



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4.The learned Additional Public Prosecutor per contra, submitted that the issue as to whether the petitioners have committed abetment of suicide cannot be adjudicated in a quash petition and that the points raised by the petitioners has to be therefore agitated in the trial. He would further submit that the sister of the victim one Sharmila had stated about the whatsapp message received from the said Kumaran, who is said to have received the letter from the victim girl and that her statement would show that the victim girl had narrated the cruelty meted out to her by the petitioners as well as by the first accused and therefore, the impugned prosecution cannot be quashed.

5.Though notice was served on second respondent, none has entered appearance.

6.From the allegations in the final report, it is seen that there had been matrimonial differences between the husband and wife since 2019. It appears that there was a mediation in the year 2019 in the presence of elders and the petitioners along with the first accused had agreed to take back the victim girl and take care of her well.



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7.It is further alleged that thereafter the first accused still treated the victim girl with cruelty and had extra marital relationship with the 8th accused; that he had threatened the victim girl with dire consequences, if she discloses this issue to any other person. The further allegation is that on 10.07.2021 at about 9.30 p.m., the first accused along with the petitioners had handed over certain tablets, which is said to have contained poison and forced the victim and her minor child aged about 6 years to consume the same and thereafter, the victim consumed the same.

8.It is not the case of the prosecution that the victim girl gave any dying declaration. The suicide note has been suppressed. The explanation of the prosecution for not producing the letter is that the list witness one Kumaran had stated that he had destroyed the letter. It is the version of the said Kumaran that he had taken pictures of the letter in his mobile phone and sent it through whatsapp to the victim's sister one Sharmila. The prosecution has not taken steps to produce the said photograph also. Neither the said Kumaran nor the said Sharmila in their statements have spoken about the contents of the letter or the WhatsApp message.



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9. Be that as it may, the version of the prosecution is that all the petitioners, who are living in far away places had handed over the tablets which contained poison to the victim girl which appears to be improbable and is opposed to common sense. No witness has been examined to establish that fact. Further, as stated earlier, the victim's letter has been suppressed and there is no dying declaration. There is no other material to establish that petitioners had forced the victim to consume the tablets. These petitioners had nothing to do with the matrimonial differences. The dispute as could be seen from the Final Report is because the first accused had extra marital affairs, which was not liked by the victim. There is no specific allegation of cruelty on account of dowry demand or other form of cruelty by the petitioners.

10. In **Yadwinder Singh alias Sunny v. State of Punjab and another, 2025 SCC OnLine 2332**, the Hon'ble Supreme Court has held as follows:-

“17. Thus, the ingredients to constitute an offence under Section 306 of the IPC would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. The act of instigation as alleged must be with the intention to



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push the deceased into such a situation that she is left with no other option but to commit suicide.”

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There is no such allegation that because of the act of the petitioners, the victim had no other option except to commit suicide.

11. In such circumstance, this Court is of the view that the impugned prosecution in so far as the petitioners are concerned for the offence under Section 306 of IPC is an abuse of process of law and hence, this Court is inclined to quash the final report only insofar as the petitioners are concerned.

12. Accordingly, the impugned Charge sheet in S.C.No.27 of 2025 on the file of the learned Mahila Court, Pudukkottai, is quashed and this Criminal Original Petition is allowed. The learned Mahil Court, Pudukkottai, shall proceed with the trial in respect of the first accused without being influenced by any of the observations made by this Court in this order. Consequently, the connected Criminal Miscellaneous Petition is closed.

31.10.2025

vsg

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non-Speaking Order



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- 1.The learned Mahila Court,
Pudukkottai.
- 2.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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