



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 02.07.2025

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CORAM:

THE HONOURABLE Dr.JUSTICE R.N.MANJULA

Crl.A.(MD)No.407 of 2018

Radha

... Appellant

vs.

1.State,
Rep. by Inspector of Police,
K.Paramathi Police Station,
Karur District.
(Crime No.181/2012)

2.Kannammal
3.Thangavel
4.Prema @ Eswari
5.Anandi
6.Deepa
7.Prabhakaran
8.Thangaraj @ Murugesan
9.Tamilselvi
10.Tamilselvi
11.Sundaram
12.Sankarganesan @ Sankar
13.Saraswathi
14.Annadurai
15.Ramayee
16.Muthusamy

...Respondents

PRAYER : This Criminal Appeal has been filed under Section 372 of
Criminal Procedure Code against the Judgement of the learned



Additional Sessions Judge, Karur, dated 11.12.2017 in S.C.No.47 of 2017.

For Appellant : Mr.C.Nihil Nandha

For Respondents : Mr.A.Albert James
Government Advocate (Crl. Side)
for R1

Mr.K.Suresh
for Mr.E.K.Kumaresan
for R2 to R12, R15, R16

J U D G E M E N T

This appeal has been filed challenging the Judgement of the learned Additional Sessions Judge, Karur, dated 11.12.2017 in S.C.No.47 of 2017.

2. The appellant is the defacto complainant. The respondents 2 to 16 are the accused 1 to 15, who have been charged under Section 306 IPC and acquitted by the learned Sessions Judge.

3.1. As per the case of the prosecution, A1 is the sister of the deceased Ponnusamy; A2 is the husband of A1; A3 to A5 are the daughters of A1; A6 to A8 are the husbands of A3 to A5; A9 is the daughter born through first wife of the deceased Ponnusamy; and A10 to A15 are third parties who are alleged to have done acts in support of A1.



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3.2. On 04.10.2012, at about 11.00 a.m., while the deceased Ponnusamy was at his house, A10 and A11 trespassed into the house, caused ruckus by throwing the household articles outside the house and stayed and cooked food there. This had resulted in a Police complaint given by the deceased. On enquiry, A10 and A11 have stated that they were instigated by A1, who is the sister of the deceased and her family members. On the undertaking given by A10 and A11 that they would not disturb the deceased again, the complaint given by the deceased was closed and he came back to his house. While so, on 05.10.2012, at about 04.15 p.m., the deceased committed suicide by hanging.

3.3. On the complaint given by PW1 daughter of the deceased born through second wife, a case has been registered in Crime No.181 of 2012 on the file of the K.Paramathi Police Station, Karur. After conclusion of the investigation, charge sheet has been filed against the accused for the offence punishable under Section 306 IPC on the allegation that they abetted the suicide of the deceased Ponnusamy.

3.4. After completing the legal mandates of furnishing copies and all other legal formalities, charges have been framed against the accused



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for the offence under Section 306 IPC. When the accused were questioned, they denied their involvements and claimed to be tried.

3.5. Before the Trial Court, on the side of the prosecution PW1 to PW18 have been examined and Exs.P1 to P28 have been marked. On the side of the accused, no oral evidence has been marked and Exs.D1 to D6 have been marked.

3.6. After the conclusion of trial, the learned Sessions Judge acquitted all the accused from the charge under Section 306 IPC. Aggrieved over that, the appellant / defacto complainant has preferred this appeal.

4. Mr.C.Nihil Nandha, learned counsel appearing for the appellant submitted that there is proximity between the acts of A1 to A15 and the commission of suicide by the deceased and that has not been properly appreciated by the Trial Court. Attention has also been drawn to the suicide note left by the deceased wherein it is stated that the accused had conspired together and sent their henchmen to murder him and in view of that his wife PW2 and himself suffered mental torture and hence he has taken a decision to take away his life.



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5. According to the evidence of PW1, the deceased was found very sad and frustrated and without being able to digest the fact that his own sister is giving trouble to him, he committed suicide by hanging. PW1 and PW2 have stated in their evidence that the respondents 2 to 16 / accused 1 to 15 are the reason for the deceased to commit suicide.

6. It appears that there is a civil dispute between the deceased and A1 in respect of some immovable property in O.S.No.213 of 2007 before the Munsif Court, Karur. A9, who is the daughter of the deceased through his first wife was also a party to the above proceedings. In respect of the disputed property, A1 had entered into sale agreement with A10 and A11 and in order to materialise the sale transaction, it is alleged that A1 had given pressure to the deceased to vacate the property.

7. Even the deceased has filed a complaint against A10 and A11 stating that they have trespassed into his property and caused mental agony. The deceased himself did not take the complaint further and on the undertaking given by A10 and A11, the complaint was closed. Thereafter, when the deceased had chosen to commit suicide there was no pressure on him except his own depression by recalling events that had taken place earlier.



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8. Even in the suicide note, the deceased has stated that the troubles given by the accused not only tortured him, but also his wife.

When his wife PW2 has chosen to withstand and live, the deceased could not take the disturbances lightly and he had taken an unfortunate decision of ending his life. It seems that the deceased could not cope up with the troubles and travails of life. He did not consider to live for his wife and daughter and had taken such an untoward decision in a weak moment.

9. Each person's endurance to any external disturbances would be different. Just because someone has got low threshold to endure such problems in life and has chosen to commit suicide as though there is no other way to resolve his problems, it cannot be considered that every other person had abetted his suicide.

10. The learned Sessions Judge has rightly found that the accused did not play any active role and there is no proximity between the act of the accused and the act of commission of suicide by the deceased and found the accused not guilty and acquitted them. It is not the case where the Sessions Court had omitted to appreciate the active role where the accused had aided by doing any acts in furtherance of commission of suicide by the deceased. In fact, at the time of commission of suicide, the



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accused were not present at the house of the deceased. The Police has also settled the issue that was caused by A10 and A11 at the house of the deceased on the previous day.

11. While things are so, and when the wife of the deceased had chosen to withstand the pressure without opting to commit suicide, the deceased who had a low threshold to endure pressure had committed suicide. As the accused did not play any active role for such a decision taken by the deceased and there is no proximity between the suicide of the deceased and the role played by the accused in furthering the commission of suicide, the learned Sessions Judge is right in acquitting the accused.

12. In view of the above discussions, this Criminal Appeal is **dismissed**. The Judgement of the learned Additional Sessions Judge, Karur, dated 11.12.2017 in S.C.No.47 of 2017 is confirmed.

02.07.2025

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To

- 1.The Additional Sessions Judge,
Karur.
- 2.The Inspector of Police,
K.Paramathi Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Dr.R.N.MANJULA, J.

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