



Crl.O.P.(MD) No.17504 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	07.11.2025
Pronounced on	13.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.17504 of 2025

and

Crl.M.P.(MD) No.14235 of 2025

1.Kumutham

2.Mercy Glory

3.Ramachandran @ Ramki

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
(Crime No.6 of 2018)

2.Manikkaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the impugned charge sheet in P.R.C.No.6 of 2025 pending on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri, Tenkasi District and quash the same as illegal insofar as the petitioners are concerned.



Crl.O.P.(MD) No.17504 of 2025

For Petitioners : M/s.M.Gopika
for Mr.D.Balamurugapandi

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R2 : No appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the impugned final report in P.R.C.No.6 of 2025, pending on the file of the learned Additional District Munsif-cum-Judicial Magistrate, Sivagiri, Tenkasi District, filed against the petitioners for the offence punishable under Section 306 of the Indian Penal Code, 1860.

2. The first petitioner is the wife of the first accused, who is not before this Court. The second petitioner is the sister of the first accused, and the third petitioner is the husband of the second petitioner.

3. The gist of the allegations in the final report is that the defacto complainant is a relative of one Sornamari [hereinafter referred to as ‘the first victim’]; that the first victim had an extra-marital affair with the first



Crl.O.P.(MD) No.17504 of 2025

accused; that the first accused, on the promise of marrying her, had physical relationship with the first victim and thereafter went to her house and again promised to marry her; that an engagement was also held between them; that thereafter, the first accused started avoiding the first victim; that though the first accused and his relatives had initially agreed for the marriage, they later refused to get the first accused married to the first victim; that the first victim had spoken to the first accused over phone and expressed that her family would be humiliated if the marriage did not take place, to which the first accused allegedly told the first victim, her mother, and her sister [hereinafter referred to as 'the other victims'] to consume poison and die; that during the continuation of the said phone conversation, the petitioners, who were with the first accused, also spoke ill of the first victim and instigated the first victim and the other victims to commit suicide; that unable to bear the humiliation, the first victim, who wrote a suicide note, and the other victims committed suicide by consuming poison; and that, since the first accused and the petitioners had abetted the act of suicide, they are liable for the offence punishable under Section 306 of the Indian Penal Code, 1860.



Crl.O.P.(MD) No.17504 of 2025

WEB COPY

4. The learned counsel for the petitioners submitted that unless there is evidence to show that the petitioners had instigated the commission of suicide by the victims, mere words of abuse or words such as 'go and die' are not sufficient to prosecute the petitioners for the offence of abetment of suicide; that, in any case, the alleged phone call is said to have been made on 03.01.2018, whereas the suicide is said to have been committed on 10.01.2018; that the phone calls said to have been made by the petitioners cannot be said to be the proximate cause for the suicide; that the petitioners have nothing to do with extra-marital relationship between the first accused and the first victim; and that, in fact, the first petitioner, who is the wife of the first accused, is herself a victim of the said relationship and cannot be prosecuted merely because there is a vague reference to her in the suicide note.

5. The learned Additional Public Prosecutor for the first respondent police, *per contra*, submitted that the suicide note of the first victim clearly states that the petitioners as well as the first accused were responsible for the death of the first victim, her sister, and her mother, and therefore, the point raised by the petitioners that they had not instigated



Crl.O.P.(MD) No.17504 of 2025

the commission of suicide by the victims/three persons cannot be adjudicated in the quash petition, as it involves disputed questions of fact, and hence, prayed for dismissal of the quash petition.

6. Though notice sent to the second respondent/defacto complainant has been served, none has entered appearance. Hence, this Court proposes to decide the case on merits on the basis of the available record.

7. It is not in dispute that the three victims committed suicide. It is the case of the prosecution that the first accused, who is the husband of the first petitioner herein, had a close relationship with the first victim for nearly eight years; that the first accused had agreed to marry the first victim during the Tamil month of *Ippasi* [ஐப்பசி] (i.e., between October and November 2017); that the relatives of the first accused had also accompanied him and promised to get the first accused married to the first victim; and that thereafter, the first accused refused to marry the first victim and started avoiding her phone calls.

8. Therefore, it is seen that the first victim was upset with the conduct of the first accused and is said to have made a phone call to him,



Crl.O.P.(MD) No.17504 of 2025

during which she told the first accused that if he did not marry her, there was no option left for her entire family except to die, to which the first accused is said to have told her to die. It is further alleged that, in the same phone call, the petitioners, who were with the first accused, also told the first victim to do whatever she wanted and to die.

9. The prosecution has cited 39 witnesses. L.W.1 is the second respondent/defacto complainant. L.W.2 to L.W.6 are the inquest witnesses. L.W.7 to L.W.13 are hearsay witnesses. The remaining witnesses are either mahazar witnesses, witnesses to the confession, or officials who assisted in the investigation. The statements of the second respondent/defacto complainant and the inquest witnesses would suggest that the entire allegation is against the first accused, who had promised to marry the first victim and thereafter severed his relationship with her, which caused humiliation and embarrassment to the first victim and her family members.

10. The prosecution seeks to rely upon the suicide note of the first victim to implicate the petitioners in the offence of abetment of suicide. It is well settled that in criminal law, the culpable mental state of the



Crl.O.P.(MD) No.17504 of 2025

accused forms the basis for determining the nature of the offence. The

Hon'ble Supreme Court, in a recent judgment in ***Yadwinder Singh alias***

Sunny v. State of Punjab and another, reported in 2025 SCC OnLine SC

2332, has held that to attract the offence under Section 306 of the Indian

Penal Code, 1860, there must be a direct incitement or encouragement by

the accused, leaving the victim with no other option but to commit

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

11. There is nothing in the impugned final report or even in the suicide note to suggest that the petitioners had committed any act with the intent to instigate the commission of suicide by the three victims, namely, the first victim, her mother, and her sister. Even assuming that the first victim was abused by the petitioners over the phone, such abuse by itself would not constitute the offence of abetment of suicide. All that the first victim has stated in the suicide note is that the petitioners were also



Crl.O.P.(MD) No.17504 of 2025

responsible, along with the first accused, for her death and that of the two other victims. The mere perception of the first victim that the petitioners were responsible for her decision to commit suicide as stated in her suicide note, without any specific allegations to show that the petitioners had done any act attracting the ingredients of the offence of abetment of suicide, would not be sufficient to prosecute them.

12. In the present case, except for the phone call said to have been made by the petitioners seven days prior to the occurrence, there is nothing to suggest that the petitioners were responsible for any act that drove the victims to commit suicide, or that they were left with no option but to do so in view of the conduct of the petitioners.

13. Therefore, this Court is of the view that the impugned prosecution, insofar as the petitioners are concerned, is liable to be quashed. Accordingly, it is quashed insofar as the petitioners alone are concerned. However, the Trial Court shall proceed against the first accused in accordance with law, without being influenced by any of the observations made in this order.



Crl.O.P.(MD) No.17504 of 2025

WEB COPY

14. This Court records its appreciation for the valuable assistance rendered by M/s.Gopika, the learned counsel for the petitioner.

15. Hence, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

13.11.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Additional District Munsif cum Judicial Magistrate,
Sivagiri, Tenkasi District.
- 2.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.17504 of 2025

SUNDER MOHAN, J.

JEN

Pre-Delivery Order made
in
Crl.O.P.(MD) No.17504 of 2025

13.11.2025