



Crl.O.P.(MD).No.15787 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15787 of 2025

and

Crl.M.P(MD) No.12867 of 2025

Rajaram

... Petitioner/ 3rd Accused

Vs.

1.The State of Tamil Nadu,
Represented by the Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
Crime No.365 of 2023.

... 1st Respondent/Complainant

2.Raju

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in P.R.C.No.8 of 2025 on the file of the learned Judicial Magistrate Court, Manapparai and quash the same in respect of the petitioner is concerned.

For Petitioner : Mr.T.A.Ebenezer

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R-2 : Mr.C.Muthu Saravanan



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ORDER

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The Criminal Original Petition is filed to quash the final report filed in P.R.C.No.8 of 2025 on the file of the learned Judicial Magistrate Court, Manapparai, for the offences punishable under Sections 294(b) and 306 IPC.

2. The allegation in the Final Report is that the defacto complainant's son was the husband of the first accused (A1); that A1 had illicit relationship with the second accused; that the petitioner is A1's brother; and that on 29.07.2023, the petitioner had humiliated the defacto complainant's son stating that he is incapable of taking care of his wife and therefore, he is not fit to live in this world; that thereafter, on the date of occurrence, A1 humiliated the defacto complainant's son and induced the defacto complainant's son to consume poison and to commit suicide; that thereafter, in the presence of the first accused, the defacto complainant's son consumed poison and died.

3. The learned counsel for the petitioner would submit that on account of the alleged relationship between the first accused with the second accused, there were differences between the defacto complainant's son and his wife/first accused; that the allegations even if accepted to be true, would only suggest that the petitioner had abused the defacto complainant's son and would not attract



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the offence of abetment to commit suicide; and that therefore, he sought for quashing of the impugned Final Report.

4. The learned counsel for the second respondent would submit that the victim was subjected to humiliation and harassment of such a nature; that he had no option to commit suicide; that the petitioner was involved in the matrimonial affairs between the first accused and the defacto complainant's son; that there are several FIRs pending against the petitioner, which are registered in Crime Nos.102, 162 and 196 of 2024 on the file of the first respondent Police Station; and that therefore, the question as to whether there was an abetment to commit suicide, cannot be adjudicated in a quash petition and hence, he sought for dismissal of this quash petition.

5. The learned Additional Public Prosecutor reiterated the averments made in the Final Report that there are materials to show that the petitioner was also responsible for the suicide committed by defacto complainant's son and hence, he prayed for dismissal of this quash petition.



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6. It is not in dispute that there are several cases pending against the petitioner with regard to the dispute between the defacto complainant's son and the first accused, who are husband and wife respectively. It is the case of prosecution that the first accused had illicit relationship with the second accused and therefore, the defacto complainant's son was not living with the first accused and was residing with her parents. The only allegation against the petitioner is that on account the said dispute, five days prior to the occurrence, the petitioner had abused the defacto complainant's son stating that he was incapable of maintaining his wife and therefore, did not deserve to live. Apart from the said occurrence said to have taken on 29.07.2023, there is no other allegation as against the petitioner.

7. It may be true that the petitioner was actively involved and supporting his sister in the dispute between his sister, namely the first accused and her husband namely the defacto complainant's son. However, the question is whether the overt act attributed to the petitioner would attract the offence under Section 306 IPC. The allegation against the petitioner is that he had humiliated the victim and goaded him to die. It is well settled that all acts of humiliation and words uttered to insult the victim or words such as “go and die” would not



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attract the offence of abetment of suicide unless there is overwhelming evidence to show that the petitioner intended to drive the victim to commit suicide.

Words uttered in a fit of anger or due to any misunderstanding cannot be stated as words uttered with intention to abet commission of suicide. The Hon'ble Supreme Court in a recent judgment in ***Yadwinder Singh alias Sunny Vs. State of Punjab reported in 2025 SCC Online SC 2332*** 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 push the deceased into such a situation that she is left with no other option but to commit suicide.

8. Therefore, this Court is the view that on the basis of the allegation against the petitioner, the impugned prosecution under Section 306 of IPC cannot be maintained. Hence, the impugned prosecution in P.R.C.No.8 of 2025 on the file of the learned Judicial Magistrate, Manapparai, is quashed in so far as the petitioner is concerned. However, it is made clear that the trial Court may independently consider the case as against the accused 1 and 2 without being



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influenced by any of the observations made in this order.

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9. With the above observations, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petition is closed.

24.10.2025

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

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To

- 1.The learned Judicial Magistrate,
Manapparai.
- 2.The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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