



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 7456 of 2025
and Crl.M.P.No.7061 of 2025**

Mohan Kumar

..Petitioner(s)

Vs

1. The State Rep. By Its Inspector Of Police
Karumathampatty Police Station, Coimbatore.
Crime No.467/2022Coimbatore

2. Xxxx

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for records relating to the proceedings in Spl.S.C.No.153 of 2024 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

For Petitioner(s): Mr.J.Sivanandaraaj,
Senior Counsel for Mr.Elanjchezhien.J

For Respondent(s): Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side) for R1
Mr.Nagendra Prasad for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.153 of 2024 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.



2. The case of the prosecution is that the accused, being a relative of the minor victim, developed contact with her in the year 2020 and coerced her into a relationship. On 11.07.2020, by threatening to consume poison, he compelled her to meet him and sexually assaulted her, captured photographs which he later used to intimidate and repeatedly exploit her. Due to continuous harassment and threats of publishing the photographs, the victim attempted suicide on 20.09.2022 and was rescued. Based on her complaint, the first respondent police registered a case and upon investigation, filed a final report for the offences under Sections 9(1) r/w 10, 11(i)(iv) &(v) r/w 12 of the POCSO Act and Sections 305 r/w 115, 342, 363 and 506(i) of IPC and the matter is presently pending trial before the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

3. Though the present petition has been filed seeking to quash the entire criminal proceedings, the learned Senior Counsel appearing for the petitioner confined his arguments only with respect to the charge under Section 305 r/w 115 of IPC. He further submitted that since the victim was rescued and the suicide attempt did not result in death, the ingredients of the offence under Section 305 IPC cannot be attracted and therefore, the charge framed under Section 305 r/w 115 of IPC is liable to be quashed. In support of his contention, he relied on the judgment of the Hon'ble Supreme Court in the case of Satvir



Singh and others Vs. the State of Punjab and others reported in (2001) 8 SCC 633 and the relevant portion of the said judgment is extracted hereunder:

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“7. At the outset, we may point out that on the aforesaid facts no offence linked with Section 306 IPC can be found against any of the appellatns. The said section penalises abetment of suicide. It is worded thus:

“If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

It is a unique legal phenomenon in the Indian Penal Code that the only act, the attempt of which alone will become an offence. The person who attempts to commit suicide is guilty of the offence under Section 309 IPC whereas the person who committed suicide cannot be reached at all. Section 306 renders the person who abets the commission of suicide punishable for which the condition precedent is that suicide should necessarily have been committed. It is possible to abet the commission of suicide. But nobody would abet a mere attempt to commit suicide. It would be preposterous if law could afford to pensalise an abetment to the offence of mere attempt to commit suicide.

8. Learned Sessions Judge went wrong in convicting the appellants under Section 116 linked with Section 306 IPC. The former is “abetment of offence punishable with imprisonment – if offence be not committed”. But the crux of



the offence under Section 306 itself is abetment. In other words, if there is no abetment there is no question of the offence under Section 306 coming into play. It is inconceivable to have abetment of an abetment. Hence there cannot be an offence under Section 116 r/w Section 306 IPC. Therefore, the High Court was correct in altering the conviction from the penalising provisions fastened with the appellants by the Sessions Court.”

4. The learned Government Advocate (Crl.Side) appearing for the first respondent fairly submitted that the victim had attempted to commit suicide but she was saved and therefore, the charge for the offence under Section 305 r/w 115 IPC cannot be made out. He further submitted that the trial has already been commenced and charges have been framed.

5. The learned counsel for the second respondent submitted that though the victim attempted to commit suicide, she was rescued and survived.

6. This Court has carefully considered the rival submissions and perused the materials available on record. The admitted factual position is that the victim attempted to commit suicide but was rescued and survived. Section 305 IPC deals with abetment of suicide of a child or insane person, where suicide has in fact been committed. In the absence of the death of the victim, the essential ingredients of Section 305 IPC cannot be made out.



7. In view of the settled legal position and the judgment relied upon by the learned Senior Counsel for the petitioner, this Court is of the considered opinion that the charge under Section 305 r/w 115 IPC cannot be sustained. However, in respect of the other offences for which, charges have been framed, this Court finds no ground to interfere at this stage.

8. Accordingly, this Criminal Original Petition is partly allowed. The charge framed against the petitioner under Section 305 r/w 115 IPC is hereby set aside. The trial Court shall proceed with the trial in respect of the remaining charges in accordance with law. Consequently, connected Miscellaneous Petition is closed.

25-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VKR

To

- 1.The Special Judge for Exclusive Trial of Cases under POCSO Act,
Coimbatore.
- 2.The Inspector Of Police
Karumathampatty Police Station,
Coimbatore.
- 3.The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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