



Crl.O.P.No.16117 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.16117 of 2023 and
Crl.MP.Nos.10140 & 10143 of 2023

1.Dr.N.Jeyaseelan
2.N.Santhus Gnanapragasam ... Petitioners

Vs.

State,
Rep. By Inspector of Police,
Government Railway Police,
Chengalpattu
(crime No.22 of 2019) ... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records in SC.No.14 of 2023 on the file of the
Additional District and Sessions Judge, Chengalpattu and quash the same.

For Petitioners : Dr.P.H.Manoj Pandian
for Mr.J.Hasheem Sindha Batcha

For Respondent : Mr.A.Gopinath,
Government Advocate (crl.side)

ORDER

This criminal original petition has been filed praying to
quash the proceedings in SC.No.14 of 2023 on the file of the Additional
District and Sessions Judge, Chengalpattu.



Crl.O.P.No.16117 of 2023

2. The case of the prosecution is that Hand in Hand Academy

for social entrepreneurship is a registered non-profit Trust. The petitioners are faculties and they also retired from the academy on 31.05.2019 . Their academy conducted certificate programme, in which the deceased was a student of social entrepreneurship, which commenced on 05.03.2018 and it ended on 31.08.2018. The academy also facilitates job placements for their students after undergoing the above certificate programme. On 05.03.2018, the regular class for the certificate programme was conducted. The fees for the said certificate course was fixed at Rs.60,000/- per student. It can be payable by instalments. The first instalment is Rs.10,000/- and a sum of Rs.2,000/- has to be paid before the final examination. The remaining amount of Rs.48,000/- has to be paid by monthly instalments for a period of 10 months. The deceased had paid a sum of Rs.10,000/- as first instalment and the remaining amount was not paid by him to the academy. Further, the deceased also did not pay the second instalment of Rs.2,000/- before the final examination. However, the deceased was allowed to write the final examination on 31.08.2018. Thereafter, he was directed to appear on 04.09.2018 for placement interview. However, the deceased did not turn up for the placement interview. Therefore, the academy had sent a communication dated 12.11.2018 thereby directing the deceased to pay the balance

Page 2 of 16



Crl.O.P.No.16117 of 2023

amount of Rs.50,000/- for the certificate programme and he was informed that if the said amount was not paid on or before 19.11.2018, he could not be considered further for course completion and he would lose his initial payment of Rs.10,000/-. Thereafter on 22.02.2019, the deceased sent an email to the accused and also to two others namely Prema and Elango that he was to commit suicide and the reason for his suicide was the petitioners and their academy only. They had taken his degree certificate and mark sheets and had used those certificates to blackmail him. After sending the email, he committed suicide by jumping in front of a running train. Therefore, he sustained grievous injuries and died on the spot. Initially, the first respondent registered FIR under Section 174 Cr.P.C. After recording statements and after completion of investigation, final report was filed by altering the offence into Section 306 of IPC and final report was filed against the petitioners and others, wherein the petitioners are arrayed as A1 and A2, and the same has been taken cognizance in SC.No.14 of 2023 on the file of the Additional District and Sessions Judge, Chengalpattu.

3. The learned counsel for the petitioners would submit that except the email, alleged to have been sent to the accused, no other evidence was recovered from the cell phone of the deceased. The



Crl.O.P.No.16117 of 2023

respondent also altered the offence and filed final report as against the petitioners and others. Except the email, there is no other piece of evidence to show that the petitioners abetted the deceased to commit suicide. In fact, they had sent final email on 12.11.2018 to the deceased informing about the non payment of the remaining fees, failing which the amount which was already paid by him would be forfeited and he would not be considered for the course completion. Therefore, soon before his death, there was absolutely no abetment on the hands of the petitioners. Therefore, the charge under Section 306 of IPC cannot be attracted against the petitioners and the entire impugned proceedings are liable to be quashed against them.

4. Per contra, the learned Government Advocate(crl.side) appearing for the respondent submits that the statement from the parents of the deceased were recorded, thereby they specifically alleged that for their son's suicide, the petitioners and their academy are responsible. Further, the cell phone was recovered from the deceased, thereby it was found that the email was sent to the petitioners as well as other two persons. It categorically revealed that they are the reason for his suicide since they blackmailed him that they would not be returning the educational certificates and transfer certificate, which were submitted by

Page 4 of 16

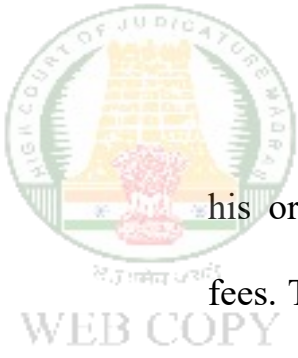


Crl.O.P.No.16117 of 2023

the deceased at the time of joining of his course in the petitioners' academy. Therefore, there are specific allegations and materials to attract the offence under Section 306 of IPC and the grounds raised by the petitioners can be agitated only before the trial court by letting in evidence. Therefore, he prayed for dismissal of this petition.

5. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

6. On perusal of records, it is revealed that the deceased committed suicide on 22.02.2019 at about 11.30 p.m. by jumping in front of a train which was plying from Egmore to Madurai/Pandian Express train No.12637 in between Paranur and Chengalpet Railway Station. It is seen that he sustained grievous injuries, thereby he died on the spot. Initially, the first respondent registered FIR under Section 174 of Cr.P.C. Immediately, his parents were examined on 23.02.2019. They deposed that their son committed suicide and they do not suspect anybody for his suicide. However, thereafter on 24.02.2019, once again, the first respondent recorded their further statement, wherein his parents had stated that the petitioners and their academy including one Elango and Prema had threatened the deceased and blackmailed him by withholding



Crl.O.P.No.16117 of 2023

his original educational certificates for non payment of the remaining fees. Therefore, he committed suicide. It is nothing but after thought and in order to frame charges against the petitioners, further statement was recorded from the parents of the deceased. Even assuming that their statements are correct, the question of whether the offence under Section 306 of IPC is made out or not has to be considered.

7. Even according to the case of the prosecution, they recovered the email sent by the deceased to the petitioners and two others. The relevant portion of the said email is extracted hereunder:

I am committing suicide. Reason for my suicide are Jayaseelan, Santhus and hand in hand CPSED academy only. They took away my degree certificate and mark sheet. Using these certificates they blackmailed me.

8. However, the prosecution failed to produce any piece of evidence to show that the said mail was sent to the accused on 22.02.2019 at about 9.48.25 p.m. But the deceased committed suicide at about 23.30 hrs. Further, the deceased did not send email to any of his friends or family members. No prudent person would send email to the persons who are the reason for his suicide. If at all the petitioners are the reason for his



suicide, he would have sent the email to other persons such as parents, relatives, and friends, if any. However, it is not the case of the prosecution that the email was sent to his parents, relatives or friends. The alleged email was sent to the accused directly. As stated supra, the prosecution also did not produce any piece of evidence to show that the e-mail was sent to the accused and that the same was received by them. Except the copy of the email, which was recovered from the mobile phone of the deceased, there is no other evidence to show that it was sent to the accused or anybody else.

9. Insofar as the abetment to commit suicide is concerned, even assuming that the said email was sent by the deceased and the same was received by the accused, there was no instigation or abetment from the side of the accused soon before his death in order to attract the charge under Section 306 of IPC. On perusal of records, it is also revealed that the petitioners had sent notice to the deceased through email on 12.11.2018. The contents of the notice is extracted hereunder:

With reference to the above, we would like to inform you that in spite of our repeated calls to you over phone regarding the payment of the balance amount of Rs.50,000/- for the Certificate Program in Social



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Crl.O.P.No.16117 of 2023

entrepreneurship course at our academy, you have not responded and not paid the balance amount so far.

Of late, you are also not responding to the calls and not taking the phone.

Under this context, we would like to advise you that if you are not paying the balance amount of course fee Rs.50,000/- on or before 19th Nov 2018 and call on us in person on or before 19th Nov, you will not be considered further for the course completion and you will lose your initial payment of Rs. 10,000/- also.

10. There is absolutely no allegation as if the petitioners had threatened the deceased to pay the remaining fees, failing which the original certificates would not be returned to him. The petitioners, being faculty members of the academy, sent notice and informed to the deceased that if the balance amount is not paid within the stipulated time, he would not be considered for course completion and he would lose his initial payment of Rs10,000/-. It would not amount to any instigation or abetment to commit suicide.

11. It is settled law that the abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid the



deceased in committing suicide, charge under Section 306 of IPC cannot be sustained and the same is liable to be quashed. Further there must be *mens rea* on the part of the accused to commit the offence and it also requires an active act which allowed the deceased to commit suicide seeing no other option and that act must have been intended to push the deceased into such a position that the deceased had to commit suicide. These aspects are completely missing in this case to attract the offence under Section 306 of IPC.

12. At this juncture, it is relevant to extract the following from the Judgment of the Hon'ble Supreme Court of India, reported in **2024 SCC OnLine SC 137** in the case of ***Prabhu Vs State represented by the Inspector of Police and another:***

“14. 107. Abetment of a thing. - A person abets the doing of a thing, who – First.- Instigates any person to do that thing;

or Secondly.- Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing;

or Thirdly.- Intentionally aids, by any act or illegal omission, the doing of that thing.



Crl.O.P.No.16117 of 2023

Explanation 1.-A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.-Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

15. In a recent judgment of this Court in Kamalakar vs. State of Karnataka in Criminal Appeal No. 1485 of 2011 [decided on 12.10.2023], one of us (Vikram Nath J.) explained the ingredients of Section 306 IPC. The Court has held as follows:

“8.2. Section 306 IPC penalizes abetment of commission of suicide. To charge someone under this Section, the prosecution must prove that the accused played a role in the suicide. Specifically, the accused-s actions must align with one of the three criteria detailed in Section 107 IPC. This means the accused either encouraged the individual to take their life, conspired with others to ensure the person committed suicide, or acted in a way (or failed to act) which directly resulted in the person-s suicide.

8.3. In Ramesh Kumar v. State of Chhattisgarh¹, this Court has analysed different meanings of ‘instigation’. The relevant para of the said judgment is



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Crl.O.P.No.16117 of 2023

reproduced herein:

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do ‘an act’. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.”

8.4. The essentials of Section 306 IPC were elucidated by this Court in *M. Mohan v. State*², as under:

“43. This Court in Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) [(2009) 16 SCC 605 : (2010) 3 SCC (Cri) 367] had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the word ‘instigation’ and ‘goadings’. The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person’s suicidability pattern is different from the others. Each person has his own idea of self-esteem and self-respect.

Therefore, it is impossible to lay down any straitjacket



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Crl.O.P.No.16117 of 2023

formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

44. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.

45. The intention of the legislature and the ratio of the cases decided by this Court are clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he/she committed suicide.”

8.5. The essential ingredients which are to be meted out in order to bring a case under Section 306 IPC were also discussed in Amalendu Pal alias Jhantu v. State of West Bengal³ in the following paragraphs:

“12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof



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Crl.O.P.No.16117 of 2023

of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.

13. In order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC.”

8.6. On a careful reading of the factual matrix of the instant case and the law regarding Section 306 IPC, there seems to be no proximate link between the marital discord between the deceased and the appellant and her subsequent death by burning herself. The appellant has not committed any positive or direct act to instigate or aid in the commission of suicide by the deceased.”

13. Thus, it is clear that in the case of suicide and in the commission of said act, the person who is said to have abetted the commission of suicide must have played an active role by an act of



Crl.O.P.No.16117 of 2023

instigation or by doing certain act to facilitate the commission of such suicide. Therefore, offence under Section 306 of IPC is clearly not made out against the petitioners. As such, the entire impugned proceedings are nothing but clear abuse of process of law and the same cannot be sustained against the petitioners.

14. In view of the above discussion, the entire impugned proceedings is quashed in respect of the petitioners and this criminal original petitions stands allowed. Consequently, connected miscellaneous petitions are closed.

17.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.O.P.No.16117 of 2023

To

- 1.Additional District and Sessions Judge, Chengalpattu
- 2.State,
Rep. By Inspector of Police,
Government Railway Police,
Chengalpattu
- 3.The Public Prosecutor,
High Court of Madras



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Crl.O.P.No.16117 of 2023

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.16117 of 2023

17.03.2026