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CRL A No.797 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL A No.797 of 2023

Thirumal
S/o. Raman, Koorsampatti Village,
Samalpatti Post, Uthangarai Taluk,
Krishnagiri District.

Appellant

Vs

State Rep.By
The Inspector of Police, Samalpatti
Police Station, Krishnagiri District.
Cr.No.325/2021.

Respondent

PRAYER Criminal Appeal filed under Section 374(2) of Cr.P.C., praying to call for the entire records in connection with S.C.No.167 of 2022 on the file of the learned Sessions Judge, Mahila Court, Krishnagiri, Krishnagiri District, and set aside the judgment dated 30.06.2023.

For Appellant : Mr.V.Parthiban
For M/s. E.Kannadasan

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



JUDGMENT

This Criminal Appeal has been filed challenging the judgment of conviction and sentence passed by the learned Trial Judge, whereby the appellant was convicted for the offence under Section 306 IPC and sentenced to undergo rigorous imprisonment for seven years, and in default to undergo simple imprisonment for one year.

2. The case of the prosecution is that the appellant and the deceased, who was the wife of PW1, had been in an illicit relationship for about ten years prior to the occurrence; that on 06.12.2021 at about 11.00 a.m., when the deceased went to the agricultural lands, the appellant approached her and called her to have a physical relationship; that when the deceased refused, he allegedly threatened her with dire consequences if she did not accede to his demands; that at that time, PW12, the son of the deceased, came to the place of occurrence and there was an altercation between PW12 and the appellant and that PW12 was beaten by the appellant; that on the same day at about 5.00 p.m., unable to bear the humiliation, the deceased consumed rat poison; that on 07.12.2021, after developing symptoms, she was admitted to the hospital and despite treatment, she died on 13.12.2021.



3. On the complaint given by PW1, a case was registered in Crime No.325 of 2021 under Section 174 Cr.P.C., which was subsequently altered to Section 306 IPC. The FIR was registered by PW16 and investigation was conducted by PW17. After completion of investigation, the final report was filed against the appellant under Section 306 IPC alleging that the harassment caused by him forced the deceased to commit suicide.

4. During trial, the prosecution examined 17 witnesses and marked Ex.P1 to Ex.P12. The appellant examined himself as DW1 and marked Ex.B1 to Ex.B6. The Trial Court found that the prosecution had established the case beyond reasonable doubt and convicted and sentenced the appellant as stated above.

5. The learned counsel for the appellant would submit that the allegations, at the most, would attract offences under Sections 354 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act; that there is no evidence to suggest that the appellant had abetted the commission of suicide; that the deceased had given a complaint on 07.12.2021 which was registered in Crime No.317 of 2021; that a final report had been filed for offences under Sections 354 and 506(ii) IPC and that in the said complaint,



there is no allegation of abetment to commit suicide; that the prosecution suppressed the FIR in Crime No.317 of 2021 as well as the counter complaint in Crime No.318 of 2021 and therefore the impugned judgment is liable to be set aside.

6. Per contra, the learned Public Prosecutor would submit that PW1 and PW12 have spoken about the harassment and humiliation suffered by the deceased and that the conduct of the appellant drove her to commit suicide and therefore the conviction does not warrant interference.

7. PW1 is the husband of the deceased. PW2 and PW3 are the sons of the deceased. PW4 is a neighbour and a hearsay witness. PW5 is the brother of the deceased. PW6 is the Government Doctor who first treated the deceased and marked the Accident Register as Ex.P2. PW7 is the Doctor from the private hospital who marked the discharge summary of the deceased as Ex.P3. PW8 and PW9 are observation mahazar witnesses. PW10 and PW12 speak about the occurrence dated 06.12.2021. PW13 is the Sub-Inspector of Police who recorded the statement of the deceased on 07.12.2021 in Crime No.317 of 2021. PW14 is the Postmortem Doctor who issued the Postmortem Report, Ex.P6, opining that the death was due to consumption of rat poison. PW15 is the



Postmortem Constable. PW16 registered the FIR. PW17 is the Investigating Officer who filed the final report.

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8. From the evidence of the Doctor, PW6 and PW7, it is clear that the deceased consumed rat poison on 06.12.2021 and was admitted to the hospital on 07.12.2021. PW6 has stated that the deceased informed her that she had consumed rat poison. However, she has admitted that the deceased did not state the reason for consuming poison. PW14, the Postmortem Doctor, has opined that the death was due to rat poison. Therefore, the prosecution has established that the deceased committed suicide by consuming poison. The question that arises for consideration is whether the appellant had abetted the commission of suicide.

9. It is seen from the evidence of PW13 that the deceased had given a complaint on 07.12.2021 which was registered in Crime No.317 of 2021. A final report was filed in the said case for offences under Sections 354 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. In the said complaint, there is no allegation that the appellant instigated or compelled the deceased to commit suicide. It is also not the prosecution case that after the occurrence on 06.12.2021, the appellant had any further interaction



with the deceased prior to her consuming poison.

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10. In order to attract Section 306 IPC, there must be proof of instigation, intentional aid, or active participation in the act of suicide. Mere harassment or humiliation, unless shown to be of such nature that the deceased was left with no option except to commit suicide, would not by itself constitute abetment.

11. The Hon'ble Supreme Court in a recent judgment in ***Yadwinder Singh alias Sunny Vs. 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 in 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 investigation 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.”



12. In the present case, the deceased had in fact resorted to legal remedy by giving a complaint on 07.12.2021. There is no material to show any direct or proximate act of instigation immediately preceding the suicide. Even assuming the prosecution version to be true, the allegations would at best make out offences under Sections 354 and 506(ii) IPC for which the appellant has been prosecuted separately. The essential ingredients of Section 306 IPC have not been established.

13. Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal:

(i) The conviction of the appellant for the offence under Section 306 of the IPC, by the learned Sessions Judge, Mahila Court, Krishnagiri, Krishnagiri District, vide judgment dated 30.06.2023 in S.C.No.167 of 2022, is hereby set aside.

(ii) The appellant is acquitted of the said charge.

(iii) The fine amount, if any paid, shall be refunded.

(iv) The bail bonds, if any, shall stand cancelled.

03-02-2026

cda

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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SUNDER MOHAN J.

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To

- 1.The Sessions Judge, Mahila Court,
Krishnagiri, Krishnagiri District.
- 2.The Inspector of Police,
Samalpatti Police Station,
Krishnagiri District.
- 3.The Public Prosecutor,
High Court, Madras.

CRLA No. 797 of 2023

03-02-2026