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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 18896 of 2026

CNR:{HCMA011408272026}

and

CRL MP Nos. 12594 & 12595 of 2026

1. Murugan

2. Panneerselvam

3. Chakkaravarthi

4. Ayyanar

5. Gunavathi

..Petitioner(s)

Vs

1. The State Represented by the Inspector of Police, Tiruvennainallur Police Station, Villupuram District. Crime No.356 of 2024.

2. Pavadai,

..Respondent(s)

PRAYER: Criminal Original Petition filed under section 528 of BNSS, praying to call for the records in connection with in PRC No.122 of 2025 dated 14-8-2024 on the file of the learned District Munsif Cum Judicial Magistrate Tiruvennianallur, Villupuram District and quash the same.

For Petitioner(s): Mr. S.Saravana Kumar

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For Respondent(s): Mr. A.Amarnath, Additional Public Prosecutor for R1
Mr. Krishnan for R2

ORDER

This petition has been filed to quash the proceedings in PRC No.122 of 2025, pending on the file of the District Munsif Cum Judicial Magistrate, Tiruvennainallur, Villupuram District.

2 On the complaint lodged by the 2nd respondent herein, the 1st respondent registered the F.I.R in Crime No.356 of 2024 for the offence under Section 306 of IPC as against the 5 accused persons stating that on 30.03.2024, one Devi lodged complaint alleging that the deceased fell in love with her and thereafter he refused to marry her. On the said complaint, the Inspector of Police, All -Women Police Station, Villupuram, conducted an enquiry. During the enquiry, the said Devi and her family members, who are the accused herein, compelled the deceased to marry the said Devi. Thereafter, the enquiry was postponed to 03.04.2024. On that day, during the enquiry, all the accused were present along with the said Devi and the deceased and his family members were also participated. At that time the accused conducted Katta panchayat and compelled the deceased to marry the said Devi and as no other option, on compulsion, the deceased married the said Devi on the same day at about 4.30 p.m in

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the temple situated near the Police Station.

3 It is further alleged that the accused compelled the deceased to register his marriage with the said Devi and therefore, the deceased got humiliated and due to mental agony, he committed suicide on the same day in his residence by hanging himself. After completion of investigation, a final report was filed and the same was taken cognizance by the Trial Court in P.R.C.No.122 of 2025 as against the petitioners herein seeking to quash the same, the present petition has been filed.

4 The learned counsel for the petitioners/accused submits that no offence is made out under Section 306 of I.P.C as against the petitioners herein. Even according to the case of the prosecution, they compelled the deceased to marry his lover the said Devi, since they had physical relationship during their love affair. After having physical relationship, the deceased refused to marry the said Devi. Therefore, on the complaint given by the Devi, the accused, who are being relatives of the said Devi, went to the Police Station for enquiry. During the enquiry, the deceased reported that he lost his mother just one month prior and hence he sought time to marry the said Devi. Therefore, the enquiry was postponed to 03.04.2024. On that day, the

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deceased himself voluntarily married the said Devi.

5. The learned counsel for the petitioners further submitted that even assuming that the accused went to the house of the deceased and compelled him to register his marriage, it would not amount to abetment to commit suicide and in order to attract the offence under Section 306 of I.P.C, there must be abetment as contemplated under Section 107 of IPC. However, the 1st respondent filed a final report only on the strength of the suicide note of the deceased. In support of his contention, he relied upon the judgement of the Hon'ble Supreme Court reported in ***(2025) 3 SCC 334*** *in the case of* ***Ayyub and Ors vs. State of Uttar Pradesh and Another.***

6 Per contra, the learned counsel for the 2nd respondent submits that all the accused had compelled and threatened the deceased to marry the said Devi. The deceased did not have any love affair with the said Devi and only to marry the deceased, all the accused persons lodged false complaint and on the basis of the same, compelled the deceased to marry the Devi. That apart, they also threatened the deceased with dire consequences, if he would not get married to the said Devi, they would murder the deceased and his family members. Therefore, he got humiliated and suffered mental

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agony. All the accused persons abetted the deceased to commit suicide. It is also clear from the suicide note of the deceased dated 04.04.2024, that the accused are the reason for his suicide. Therefore, the grounds raised by the petitioners can be considered during trial and prays for dismissal of this petition.

7 The learned Additional Public Prosecutor for the first respondent submits that the petitioners are arrayed as A1 to A5. Admittedly, they participated in the enquiry on the complaint lodged by the Devi against the deceased. During the enquiry, all the accused persons compelled the deceased to marry the said Devi. That apart, they went to the house of the deceased and threatened him to register his marriage with the said Devi. Therefore, the deceased got humiliated and suffered mental agony, which led to his suicide. The suicide note is also very much available to corroborate the statement of defacto complainant.

8 Heard the learned counsel on either side and perused the materials available on record.

9 A careful perusal of the submissions made by either side reveals that petitioners herein are arrayed as A1-A5. Admittedly, the

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said Devi and the deceased were fell in love. During their love affair, they had physical relationship continuously for several years on the pretext of marriage. But when the said Devi insisted the deceased to marry her, he refused to marry for one or other reasons. Therefore, she lodged complaint on 30.03.2024 on the file of the Inspector of Police, All Women Police Station, Villupuram. On receipt of the said complaint, the deceased and the said Devi and her family members were called for enquiry. The deceased, being a close relative of the said Devi, had accompanied her to the Police Station and participated in the enquiry. During the enquiry, the deceased undertakes to marry the said Devi and he sought for time since his mother died recently. Considering the said request, the deceased was given one month time. However, the deceased failed to marry the said Devi and as such once again the Inspector of Police, All-Women Police Station, Villupuram, called for further enquiry on 03.04.2024.

10 On 03.04.2024, the said Devi and her relatives namely the petitioners/accused herein, the deceased and this family members were appeared for enquiry. After enquiry, the deceased married the said Devi in the temple, which is situated near the Police Station. After marriage, they went to the house of the deceased.

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11 According to the case of the prosecution, the petitioners/accused went to the house of the deceased along with the said Devi and compelled him to register his marriage with the said Devi. However, a careful perusal of entire records revealed that there is no evidence to show that the petitioners/accused went to the house of the deceased and compelled him to register his marriage with the said Devi. Even, on perusal of the suicide note of the deceased revealed that it was written on 04.04.2024. The contents of the suicide note as follows:

“gh/ uhjhfpUco;zd; ehd; vGjpf; bfhs;tJ.

vy;nyhUk; vd;id kd;dpj;J tpL';fs;. vd;id tw;g[Wj;jp vdf;F tpUg;gk; ,y;yhky; fhty;Jiwf;F brd;W jpUkzk; bra;J itj;jhu;fs;/ vdf;F ,J gpof;ftpy;iy. vd;id jpdKk; kpul;o vd; rht[f;F fhuzk; KUfd; j-bg. Rg;ukzpad;. gd;dPu; bry;tk;. fypaK:u;j;jp kfd; rf;futj;jp. bry;tuh$; kfd; ma;adhu;. jl;rzhK:u;j;jp kidtp Fzh ,tu;fs; midtUk; jhd; vd; rht[f;F fhuzk;. ,tu;fs; cd;ida[k;. cd; FLk;gj;ija[k; mHpj;J tpLntd; vd kpul;o cs;sdu;/

vdnt. ,tu;fjhd; vd; rht[f;F KGf;f KGf;f fhuzk;/ vdnt. ,tu;fis Rk;kh tpl;Ltpl TlhJ/ vd;Dila rht[f;F KGf;f KGf;f Kjy; fhuzk; **KUfd; (tpoayuR) j-bg/Rg;ukzpad;** vd; murpay; bry;thf;if gad;gLj;jp cd;id bfhiy bra;J tpLntd; vd kpul;o cs;shu;/ vdf;F tpUg;gk; ,y;yhky; ,e;j thH;f;ifia vd;dhy; thHKoahJ/”

12 However, the above alleged suicide note of the deceased

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is not subjected for any handwriting expert's opinion by the prosecution and it is also not part and parcel of the charge sheet. But only on the basis of the suicide note, the 1st respondent arrayed the petitioners herein as accused. Expect the said suicide note, there is no other material evidence to show that the deceased committed suicide only on the threatening made by the accused herein. Even assuming that the suicide note of the deceased is true, which revealed that the petitioners/accused compelled him to marry the said Devi, for which he did not have any interest and hence for his demise, the accused are the main cause for his suicide, now it has to be seen that whether this suicide note would attract offence under section 306 of IPC.

13 Even as per the contents of the suicide note, there were no instigation by the petitioners/accused to commit suicide. The deceased fell in love with the said Devi and after having physical relationship with her under the pretext of marriage, he refused to marry the said Devi. Therefore, they compelled the deceased to marry the said Devi, which would not amount to abetting the deceased to commit suicide. The counsel for the petitioners produced photographs of the deceased and the said Devi, which clearly revealed that they fell in love. It is relevant to extract Section 306 and 107 of IPC.

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"306. Abetment of suicide.—

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.

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."

14 In order to make out the offence under Section 306 of IPC, there must be specific abetment on the part of the accused with an intention to aid or instigate the deceased to commit suicide as contemplated under Section 107 of IPC. Further, the alleged complaint meted out should have left the deceased with no other alternate option, but to put an end to his life and that in a case of abatement of suicide, there must be proof of direct or indirect acts of incitement to commit suicide. In the case on hand, even according to the case of the prosecution, the petitioners/accused compelled the deceased to marry the said Devi. Further, there is absolutely no evidence to show that the accused went to the house of the deceased along with the said Devi and compelled the deceased to register his marriage with the said

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Devi. Even assuming that the petitioners/accused went to the house of the deceased and compelled him to register his marriage with the said Devi, it would not amount to abetting the deceased to commit suicide.

15 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 the present case to attract the offence under Section 306 of IPC.

16 At this juncture, it is relevant to extract 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

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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.

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 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

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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. State2, 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 'goading'. 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 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

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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 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."

17 In the present case also the accused did not commit any positive or direct act to instigate or aid in the commission of suicide by the deceased. Hence, the impugned proceedings against the

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petitioners cannot be sustained and liable to be set quashed.

18 Accordingly, the criminal original petition stands allowed and the entire proceedings in PRC.No.122 of 2025 on the file of the District Munsif Cum Judicial Magistrate, Tiruvennainallur, Villupuram District, is hereby quashed in respect of the petitioners herein. Consequently, the connected miscellaneous petitions are closed.

30-10-2026

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

1. District Munsif Cum Judicial Magistrate,
   Tiruvennianallur, Villupuram District.
2. The Inspector of Police,
   Tiruvennainallur Police Station,
   Villupuram District.
3. The Public Prosecutor,
   Madras High Court.

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CRL MP Nos. 12594 & 12595 of 2026

30-10-2026

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