



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 20944 of 2023

and

Crl.M.P.Nos.14368 & 14370 of 2023

1. V.N.Latha

W/o. Samuvel, No. 2/252-a, Patchapalayam,
Annur Panchayat, S.S.Kulam, Coimbatore.

Petitioner(s)

Vs

1. State Rep.By

The Assistant Commissioner Of Police,
Kuniamuthur Police Station, Coimbatore
City. Crime No. 114 Of 2021.

2.Sangeetha

D/o. Rangaswamy, No. 92, Madhurai
Veeran Kovil Street, Bk Puthur,
Kuniamuthur, Coimbatore.

Respondent(s)

PRAYER

To call for the records and quash the proceedings pending as against the petitioner in Spl.SC.No. 22 of 2021 pending on the file of the Principal District and Sessions Judge, Coimbatore.

For Petitioner(s): M/s. K.Balasubramaniam

For Respondent(s): Mr.A.Gopinath
Government Advocate (Crl.Side) for R1
No appearance for R2



ORDER

This petition has been filed to quash the proceedings pending against the petitioner in Spl.S.C.No.22 of 2021 pending on the file of the Principal District and Sessions Court, Coimbatore.

2.The case of the prosecution is that on a complaint lodged by the 2nd respondent, the 1st respondent registered an FIR in Crime No.114 of 2021, for the offences punishable under Sections 306 of IPC, alleging that the deceased was working in Seethalakshmi Government Maternity Hospital, Coimbatore, as a Conservancy Worker. While so, on 03.02.2021, the deceased was said to have informed to the 2nd respondent herein that few days back, he had seen A1 and A2 in an inappropriate manner. Fearing that the deceased would inform to others, A1 and A2 along with A3, with *malafide* intention, lodged a complaint as against the deceased before the Hospital Authorities. Therefore, the Hospital Authorities directed the deceased not to come to work and directed him to work on 82nd Ward in the same Hospital. Further, he was also called for an enquiry. Therefore, he committed suicide by consuming rat poison. At the time of his death, he also recorded a video and circulated to various persons alleging that the accused are responsible for his suicide. After completion of investigation, the 1st respondent filed a final report and the same has been taken cognisance by the Trial Court.



3.Learned counsel for the petitioner submitted that there are totally three accused, in which the petitioner is arrayed as A3. L.W.10, who is the Medical Officer stated that while the nurses were changing their dress, the deceased had taken a video. It was seen by the nurses and a complaint was lodged before L.W.11. Therefore, L.W.11 called the deceased for enquiry. However, the deceased did not appear for enquiry and therefore, the complaint was forwarded to the Commissioner, Coimbatore Corporation for appropriate action. Therefore, no one has spoken about the petitioner's role to attract the offences under Section 306 of IPC. He further submits that the version of the 2nd respondent is completely different. She stated that the deceased had told her that he had seen A1 and A2 being in a compromised position in hospital premises.

4.Therefore, A1 and A2 feared that the deceased would inform the incident to others and lodged a police complaint with the help of A3 for the above stated allegations. Therefore, on the complaint, L.W.11 called the deceased for an enquiry. However, L.W.10 and L.W.11 completely stated a different story. Even assuming that the deceased had seen A1 and A2, while they were in compromised position, the petitioner has nothing to do with the occurrence. The alleged occurrence took place on 12.01.2021. But, he committed suicide on 03.02.2021. Therefore, there is absolutely no question of abetment on the part of the petitioner to commit suicide by the deceased.

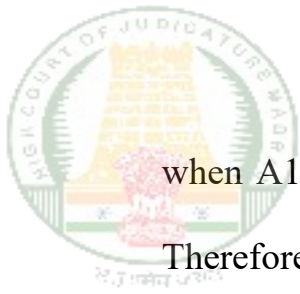


5.Per contra, the learned Government Advocate appearing for the 1st respondent submitted that there are totally three accused, in which the petitioner is arrayed as third accused. The dying version of the deceased was also recorded and in fact, before committing suicide, he had recorded a video-graph, wherein he had stated specifically that the accused are the reason for his suicide. Therefore, there are clinching evidence to attract offences under Section 306 of IPC. The impugned proceedings cannot be quashed at this stage and prayed for dismissal of this petition.

6.Though notice was served on the 2nd respondent, no one entered appearance before this Court either in person or through counsel.

7.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 1st respondent and perused the materials on record.

8.From the available materials, it is seen that there are totally three accused, in which the petitioner is arrayed as third accused. The case of the prosecution is that the deceased was working as a Conservancy Worker in Seethalakshmi Government Maternity Hospital, Coimbatore. While doing so,



when A1 & A2 were in compromised position, the deceased had seen them.

Therefore, A1 & A2, with the help of A3 herein, lodged a complaint alleging that the deceased had video-graphed the Nurses while they were changing their dress in the dressing room. On the filing of the complaint, LW11 called the deceased for enquiry. However, the deceased without attending the enquiry, had consumed poison and died on 03.02.2021.

9. On a perusal of the statement of LW10 and LW11, it is revealed a complaint was lodged by the nurses including the petitioner herein alleging that the deceased had taken video-graph while they were changing their dresses. On receipt of the complaint, LW11 called the deceased for enquiry. However, the deceased was directed to work at Ward No.83 of the Seethalakshmi Government Maternity Hospital, Coimbatore. However, the deceased did not come for work and failed to attend the enquiry before LW11. It is also evident from the statement of LW10 and LW11. Though there are specific allegations as against A1 & A2, no one has spoken about the role played by the petitioner herein. Even according to the case of prosecution, the petitioner assisted A1 & A2 to lodge a complaint as against the deceased. Automatically, on the complaint lodged by the petitioner and three other nurses, LW11 called the deceased for enquiry. But the deceased did not attend the enquiry and failed to attend the duty also where he was directed to attend the duty at Ward No.83 of



Seethalakshmi Government Maternity Hospital, Coimbatore.

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10. However, the deceased committed suicide by consuming rat poison only on 03.02.2021. The petitioner is charge sheeted for the offences punishable under Section 306 of IPC. The complaint was lodged by the petitioner and others on 12.01.2021 before LW11. On receipt of said complaint, the deceased was called for an enquiry. The deceased did not even attend the enquiry and consumed rat poison only on 03.02.2021. Therefore, soon before his suicide, there is no evidence of abetment by the accused that pushed the deceased to commit suicide. The provision under Section 306 of IPC read with Section 107 of IPC has been incorporated time and again. Its principles are well established. In order to attract the offence of abetment of suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity of to the commitment of suicide by the deceased. The said instigation or incitement should reveal a clear *mens rea* to commit the offence of suicide and should put the deceased in such a position that the deceased would have no other option to commit suicide.

11. In the case on hand, no one has spoken about the role played by the petitioner soon before the deceased's death that the petitioner abetted the deceased to commit suicide. However, the abetment involves a mental process



of instigating or intentionally aiding another person to do a particular act.

Therefore, to bring a charge under Section 306 of IPC to home, the act of abetment would require the positive act of instigating or intentionally aiding another person to commit suicide. Without such *mens rea* on the part of the petitioner being apparent from the fact of record, the charge under Section 306 of IPC cannot be sustained. Since it requires an active act, direct or indirect, on the part of the petitioner herein which left the deceased with no other option other than to commit suicide. Therefore, the charge under Section 306 of IPC cannot be sustained as against the petitioner only.

12. In view of the above, entire proceedings as against the petitioner alone in Spl.S.C.No.22 of 2021 on the file of the Principal District and Sessions Judge, Coimbatore, cannot be sustained and it is accordingly quashed.

13. In the result, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

11-03-2026

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Index: Yes/No

Internet : Yes

Speaking/Non-speaking order

Neutral Citation: Yes/No



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G.K. ILANTHIRAIYAN, J.

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To

1.The Principal District and Sessions Judge,
Principal District and Sessions Court,
Coimbatore.

2.State Rep.By
The Assistant Commissioner Of Police,
Kuniamuthur Police Station, Coimbatore City.
Crime No. 114 Of 2021.

3.The Public Prosecutor,
High Court of Madras, Chennai.

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