WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 30-10-2026**

CORAM

**THE HON'BLE MRS.JUSTICE S.ALLI**

**CRL OP No. 32787 of 2025**
**and**
**Crl MP No.22859 of 2025**

*CNR: {HCMA012846532025}*

1. Daneswaran,
   S/o. Ramesh

2. Ramesh,
   S/o.C.S.Mani,
   Petitioner's 1 and 2 are Residing at,
   No.38/58, Ellaiamman Koil Street,
   Kootturpuram,
   Chennai-600 085.

..Petitioner(s)

Vs

1. State Rep by
   Inspector of Police,
   H-5, New Washermenpet Police Station,
   Chennai - 600 081.
   Crime No. 577 of 2025

2. Seliyan,
   S/o.Arumugam,
   Permanent Residence at,
   No.69/71, Vasar Varathappan Street,
   New Washermenpet,
   Chennai-600 081.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records in Crime No.577 of 2025 on the file of the 1st Respondent, Inspector of Police, H-5, New Washermenpet Police Station, Chennai for the offence under Section 194(3) of BNSS Act, 2023 @ 108 of



https://www.mhc.tn.gov.in/judis

WEB COPY



BNS Act, 2023, and quash the same.

For Petitioner(s): Mr.C.K.Chandra Sekkar
for Mr.Durai Kannan

For Respondent(s): Mrs.R.S.Indira,
Additional Public Prosecutor for R1

Mr.N.Manoharan for R2

**ORDER**

This Criminal Original Petition has been filed seeking to quash the criminal proceedings initiated against the petitioners in Crime No.577 of 2025, on the file of the first respondent police, for the alleged offence under Section 108 of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution, in brief, is as follows:

2.1 The first petitioner is the husband of the deceased, Swathi, while the second petitioner is her father-in-law. The de facto complainant is the father of the deceased. The marriage between the first petitioner and the deceased, Swathi, was solemnised on 01.12.2023 and it was an arranged marriage between the two families. After the marriage, the couple went to London. While residing there, the deceased allegedly informed her father that her husband suspected her and subjected her to harassment. Consequently, she returned to Chennai in June 2024 and stayed with her parents.



https://www.mhc.tn.gov.in/judis

WEB COPY

2.2 On 19.03.2025, at about 2.00 p.m., the de facto complainant met his daughter, the deceased Swathi, before leaving for work. At about 6.15 p.m., his younger daughter and the sister of the deceased, Ms.Sanju @ Sagana, informed him that Swathi had died by hanging from the ceiling fan at her residence. Since the deceased had died within one year and three months of her marriage, the de facto complainant suspected foul play and alleged that the petitioners had subjected her to cruelty and harassment and had insisted that she obtain a divorce, thereby driving her to commit suicide.

2.3 Initially, the case was registered under Section 194(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023. During the course of investigation, the Assistant Commissioner of Police inspected the place of occurrence, prepared the observation mahazar and rough sketch, examined witnesses and recorded their statements.

2.4 The Investigating Officer also seized a suicide note purportedly left by the deceased, wherein she had stated that no person was responsible for her death and had requested that no one be questioned or troubled in connection with her death.

2.5 The Revenue Divisional Officer conducted an enquiry and reported that the death was not attributable to dowry harassment. The post-mortem report


https://www.mhc.tn.gov.in/judis

WEB COPY

revealed that the deceased, Swathi, died of asphyxia due to hanging. Based on the materials collected during investigation, the offence was subsequently altered to one under Section 108 of the Bharatiya Nyaya Sanhita, 2023.

3.The learned counsel for the petitioners would submit that, even if the allegations in the complaint are taken at face value, they do not disclose the essential ingredients of the offence of abetment of suicide. It was further contended that there is no specific allegation or material to indicate that either of the petitioners instigated, conspired or intentionally aided the deceased in committing suicide. The suicide note, the report of the Revenue Divisional Officer and the other materials collected during investigation, according to the petitioners, do not disclose the requisite *mens rea* or any positive act of abetment on their part. Therefore, the learned counsel would submit that continuation of the criminal proceedings against the petitioners would amount to an abuse of the process of law.

4.The learned counsel for the petitioners also placed reliance upon the judgment of the Hon'ble Supreme Court in ***Shenbagavalli and Others v. Inspector of Police, Kancheepuram District and Another***, **Criminal Appeal Nos.4268 and 4269 of 2024**, decided on 30.04.2025, reported in **2025 INSC 607**, and the judgment in ***M.Arjunan v. State represented by its Inspector of Police***, reported in **(2019) 3 SCC 315**.


https://www.mhc.tn.gov.in/judis

WEB COPY

5.In ***M.Arjunan v. State***, cited supra, the Hon'ble Supreme Court held that, unless the ingredients of instigation or abetment to commit suicide are satisfied, the accused cannot be prosecuted for the offence of abetment of suicide under Section 306 IPC, which corresponds to Section 108 of the Bharatiya Nyaya Sanhita, 2023.

6.The learned Additional Public Prosecutor appearing for the first respondent police would submit that, based on the complaint lodged by the de facto complainant, a case was registered by the first respondent police under Section 194(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7.The marriage between the first petitioner and Swathi was solemnised on 01.12.2023 and it was an arranged marriage between the two families. After their marriage, they went to London. Due to the suspicion and harassment allegedly caused by the first petitioner, the deceased returned to Chennai and stayed with her parents. On 19.03.2025, the deceased Swathi committed suicide and, therefore, her father/the de facto complainant, lodged a complaint with the first respondent police.

8.The learned Additional Public Prosecutor further submitted that, during investigation, the offence was altered to one under Section 108 of the Bharatiya Nyaya Sanhita, 2023, against the petitioners, since the materials collected


https://www.mhc.tn.gov.in/judis

WEB COPY

disclosed a prima facie case. The statements of the de facto complainant and other witnesses, along with the materials collected during investigation, *prima facie* make out the alleged offence against the petitioners. The deceased had died within one year and three months of her marriage and, while residing in London, she had informed her father that she was being harassed and suspected by the first petitioner.

9.It was further submitted that the second petitioner had insisted that the deceased obtain a divorce from the first petitioner. The complaint and the FIR disclose the commission of an offence under Section 108 of the Bharatiya Nyaya Sanhita, 2023. Hence, the learned Additional Public Prosecutor sought dismissal of the Criminal Original Petition.

10.This Court has carefully considered the rival submissions and perused the materials available on record.

11.The question that arises for consideration is whether the allegations in the complaint and the materials collected during investigation disclose a *prima facie* case for the offence of abetment of suicide under Section 108 of the Bharatiya Nyaya Sanhita, 2023, against the petitioners.

12.Section 108 of the Bharatiya Nyaya Sanhita, 2023, penalises the abetment of suicide. The expression “abetment” must be understood in the light


https://www.mhc.tn.gov.in/judis

WEB COPY

of Section 45 of the said enactment, which contemplates instigating any person to do a thing, engaging in a conspiracy for doing that thing, accompanied by an act or illegal omission in pursuance thereof, or intentionally aiding the doing of that thing.

13.It is, therefore, not sufficient to establish merely that the deceased had committed suicide or had expressed matrimonial discord or harassment. The materials must disclose the requisite element of abetment attributable to the accused. At the same time, instigation need not invariably be expressed in explicit words, and the requisite intention may be gathered from the surrounding circumstances and the course of conduct of the accused.

14.In ***Shenbagavalli and Others v. Inspector of Police, Kancheepuram District and Another***, cited supra, the Hon'ble Supreme Court considered the circumstances in which criminal proceedings for abetment of suicide could be quashed in exercise of the inherent jurisdiction of the High Court. The Hon'ble Supreme Court reiterated that a mere allegation of harassment or insulting conduct would not constitute abetment of suicide unless the materials disclose an act of instigation or intentional aid accompanied by the requisite *mens rea*.

15.The Hon'ble Supreme Court further emphasised that, where the allegations and the materials, including the suicide note, do not disclose the


https://www.mhc.tn.gov.in/judis

WEB COPY

essential ingredients of abetment, continuation of the criminal proceedings would amount to an abuse of the process of law.

16.The principles laid down by the Hon'ble Supreme Court in the above judgment are applicable to the present case. The complaint and the suicide note do not disclose the essential ingredients of abetment. The deceased Swathi had allegedly complained of suspicion and harassment by her husband while she was residing in London. Subsequently, she returned to Chennai and stayed with her parents from June 2024.

17.The alleged occurrence took place on 19.03.2025. Though the de facto complainant has alleged that the petitioners had harassed the deceased and, in particular, that the second petitioner had insisted that the deceased Swathi obtain a divorce, the materials placed before this Court do not disclose any specific act of instigation or intentional aid attributable to either of the petitioners. Nor do they disclose any particular course of conduct on the part of the petitioners from which the requisite intention to facilitate or instigate the commission of suicide can *prima facie* be inferred.

18.The mere fact that the deceased died within a short period of her marriage, though relevant to the circumstances warranting investigation, cannot by itself establish the commission of the offence under Section 108 of the



https://www.mhc.tn.gov.in/judis

WEB COPY

Bharatiya Nyaya Sanhita, 2023. The suicide note recovered by the Investigating Officer during investigation is also a relevant circumstance to be considered in deciding the present petition. In the said note, the deceased had stated that no person was responsible for her death and had requested that no one be questioned or troubled in connection with the incident. Though such a statement is not conclusive of the absence of abetment and has to be considered along with the other materials placed before this Court, the materials, taken as a whole, do not disclose independent circumstances establishing even a *prima facie* case of intentional instigation or aid by the petitioners.

19.The report of the Revenue Divisional Officer, which concluded that the death of the deceased Swathi was not attributable to dowry harassment, cannot by itself be the sole ground to exclude the possibility of abetment of suicide on other grounds. Nevertheless, the absence of a finding of dowry harassment, when considered along with the other materials in the present case, does not supply the missing ingredients of the alleged offence.

20.It is also relevant to consider Section 117 of the Bharatiya Sakshya Adhiniyam, 2023, which deals with the presumption as to abetment of suicide by a married woman. The said provision states that, where a woman commits suicide within seven years of her marriage and it is shown that her husband or any relative of her husband had subjected her to cruelty, the Court may


https://www.mhc.tn.gov.in/judis

WEB COPY

presume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband or such relative. The Explanation to the provision states that the expression “cruelty” shall have the same meaning as assigned to it under Section 86 of the Bharatiya Nyaya Sanhita, 2023.

21.In the present case, the deceased died within seven years of her marriage. However, the statutory presumption under Section 117 of the Bharatiya Sakshya Adhiniyam, 2023, is not attracted merely on the basis of the period of marriage. The foundational requirement that the deceased was subjected to cruelty within the meaning of Section 86 of the Bharatiya Nyaya Sanhita, 2023, must also be shown. Section 86 contemplates wilful conduct of such a nature as is likely to drive a woman to commit suicide or cause grave injury or danger to her life, limb or health, whether mental or physical, or harassment with a view to coercing her or a person related to her to meet an unlawful demand for property or valuable security. Having regard to the allegations and the materials placed before this Court, the requisite foundational material to attract the presumption under Section 117 is not disclosed.

22.On perusal of the complaint, FIR and other materials collected during investigation, it is seen that the specific contention of the petitioners is that, after the deceased returned to Chennai in June 2024 and started residing with her parents, there was no contact between the deceased and the first petitioner,


https://www.mhc.tn.gov.in/judis

WEB COPY

either in person or through telephone, until her death on 19.03.2025. Though the prosecution has alleged that the second petitioner had insisted that the deceased obtain a divorce, the materials placed before this Court do not disclose any specific act of instigation or intentional aid by either of the petitioners in close proximity to the occurrence. There is also no material indicating any continuous course of harassment or any intervening act attributable to the petitioners immediately preceding the incident.

23.As already discussed, the suicide note also does not establish that the petitioners had instigated the deceased or subjected her to persistent cruelty or harassment so as to make out the offence of abetment of suicide. Merely on the basis of the allegations of harassment by the first petitioner and the alleged insistence by the second petitioner that the deceased obtain a divorce, particularly in the absence of any specific material indicating a proximate act of instigation or intentional aid, it cannot be concluded that the petitioners had led or compelled the deceased to commit suicide. It has been reiterated in a catena of decisions of the Hon'ble Supreme Court that *mens rea* cannot be presumed in a criminal case. The requisite *mens rea* must be apparent from the materials on record, which is absent in the present case.

24.The Hon'ble Supreme Court has held that the essential ingredients of the offence of abetment of suicide under Section 306 IPC, which corresponds to


https://www.mhc.tn.gov.in/judis

WEB COPY

Section 108 of the Bharatiya Nyaya Sanhita, 2023, are abetment and the intention of the accused to aid, instigate or abet the deceased to commit suicide. Merely because the act of an accused is insulting to the deceased, even by using abusive language, it would not by itself constitute abetment of suicide. There must be evidence suggesting that the accused intended, by such act, to instigate the deceased to commit suicide. The said principle was reiterated in ***M.Arjunan v. State***, cited supra. However in the case on hand, there are no materials placed before this Court to disclose those essential ingredients. The materials do not indicate the requisite *mens rea* or any positive act on the part of the petitioners amounting to instigation or intentional aid in the commission of suicide. The allegations of matrimonial harassment, in the absence of a factual foundation connecting the conduct of the petitioners with the commission of suicide in the manner contemplated by law, are insufficient to sustain the prosecution for the offence under Section 108 of the Bharatiya Nyaya Sanhita, 2023.

25.It has been held by the Hon'ble Supreme Court that the High Court should exercise its inherent powers to quash criminal proceedings where allowing such proceedings to continue would amount to an abuse of the process of the Court or where the ends of justice require such proceedings to be quashed. This Court is of the considered view that permitting the criminal proceedings to continue against the petitioners in the absence of the essential ingredients of the alleged offence would amount to an abuse of the process of


https://www.mhc.tn.gov.in/judis

law.

WEB COPY

26.In view of the foregoing discussion and the principles laid down by the Hon'ble Supreme Court in ***Shenbagavalli and Others v. Inspector of Police, Kancheepuram District and Another***, cited supra, this Court is of the view that the present case warrants the exercise of the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

27.Accordingly, this Criminal Original Petition is allowed. The proceedings in Crime No.577 of 2025, on the file of the first respondent police, are hereby quashed insofar as the petitioners are concerned. Consequently, the connected miscellaneous petition is closed.

**30-10-2026**

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



https://www.mhc.tn.gov.in/judis

WEB COPY



**S.ALLI, J.**

CDA

To

1.Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai - 600 081.

2.The Public Prosecutor,
High Court of Madras.

**CRL OP No. 32787 of 2025**

**30-10-2026**



https://www.mhc.tn.gov.in/judis