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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

**Crl. OP(MD).No.744 of 2025
and Crl.M.P(MD).Nos.504 & 507 of 2025**

1.Lakshmanan

2.Kaman (Selvaraj)

....Petitioners

Vs

1.The State of Tamil Nadu
Rep.by Inspector of Police
Chinnalapatti Police Station
Dindigul District
Crime No.97 of 2022

2.Santhi

....Respondents

Prayer: This petition is filed under Section 528 of BNSS, 2023, to call for the records in connection with the impugned charge sheet in P.R.C.No.11 of 2024 on the file of the District Munsif Cum Judicial Magistrate, Athoor and quash the same insofar as the petitioners are concerned.

For Petitioners

: Mr.S.Sarvagan Prabhu

For Respondents

:Mr.A.Albert James

Government Advocate (Crl.side) for R1

:Mr.V.Saravanakumar for R2



ORDER

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The present petition has been filed by the accused persons in P.R.C.No.

11 of 2024 on the file of the District Munsif Cum Judicial Magistrate, Athoor seeking to quash the charge sheet wherein the petitioners are alleged to have committed an offence under Section 306 of I.P.C

2.A perusal of the charge sheet reveals that the husband of the defacto complainant and the petitioners herein were running a joint business of undertaking construction work. The accused persons are alleged to have insisted the husband of the defacto complainant to repay the loan. On 19.07.2022, the accused persons are said to have come to the house of the deceased and threatened him to pay the balance amount. It is alleged that they have uttered “ in case if he is not able to repay the money, why do you alive, go and die”. Thereafter, the defacto complainant's husband is said to have committed suicide at about 6.00 p.m on 25.07.2022 in a construction site which is not connected to the petitioners.

3.The learned counsel appearing for the petitioners submitted that there was no immediate proximity for the alleged incident dated 19.07.2022 and the death of the defacto complainant's husband on 25.07.2022. That apart, there was no intention on the part of the petitioners to abet the deceased person to commit suicide. They were only insisting for repayment of the money which are borrowed by the defacto complainant's husband. He had



also relied upon a decision of this Court in ***Crl.O.P(MD).No.20781 of 2021***

(Elaikadi Saravanan @ Pushpa Raja Vs. The State, rep. by the Sub Inspector of Police, Karaikudi North Police Station, Sivagangai District)

dated 06.01.2022 wherein this Court was pleased to quash the F.I.R on the ground that the ingredients of Section 306 of I.P.C have not been made after relying upon the judgment of the Hon'ble Supreme Court.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant's husband has executed a written suicide note by hand and that reveals that the petitioners have insisted for repayment of the loan and they have uttered obscene words which abetted the defacto complainant's husband to commit suicide.

5.Heard both sides and perused the material records.

6.A careful perusal of the charge sheet reveals that the accused persons are said to have insisted the deceased to repay a sum of Rs.3,00,000/- which he is said have borrowed from the petitioners. On 19.07.2022, it is alleged that they have uttered obscene words and said that “in case if he is not able to repay the money, why do you alive, go and die”. Thereafter, the deceased committed suicide after six days namely 25.07.2022. Therefore, it is clear that there is no proximity between the incident that is said to have taken placed on 19.07.2022 and the date of occurrence namely 25.07.2022.



7.This Court had passed orders in ***Crl.OP(MD).No.20781 of 2021***

dated 06.01.2022 wherein this Court has relied upon a decision of the

Hon'ble Supreme Court in Paragraph Nos. 8 & 9 are extracted as follows:

“8. As rightly pointed out by the learned Counsel appearing for the petitioner even according to the prosecution case, while the suicide took place on 14.09.2021, the coercive pressure exerted by the petitioner is alleged to have taken place ten days earlier. Thus there was no immediate abetment for committing suicide. The Hon'ble Supreme Court in the decision made in Crl.A.No.93 of 2019 dated 18.01.2019 (Rajesh Vs State of Haryana) held as follows:

8.Conviction Under Section 306 Indian Penal Code is not sustainable 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. In order to bring a case within the purview of Section 306 Indian Penal Code, 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 Indian Penal Code. (See Amalendu Pal alias Jhantu v. State of West Bengal (2010) 1 SCC 707).



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9. The term instigation Under Section 107 Indian Penal Code has been explained in *Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)* (2009) 16 SCC 605: (2010) 3 SCC (Crl.) 367) as follows:

“16. Speaking for the three-Judge Bench in *Ramesh Kumar case* [MANU/SC/0654/2001 : (2001) 9 SCC 618: 2002 SCC (Cri.) 1088], R.C. Lahoti, J. (as His Lordship then was) said that 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. 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 to be inferred. A word uttered in a fit of anger or emotion without intending the consequences to actually follow, cannot be said to be instigation.

17. Thus, to constitute "instigation", a person who instigates another has to provoke, incite, urge or encourage the doing of an act by the other by "goadings" or "urging forward". The dictionary



meaning of the word "goad" is "a thing that stimulates someone into action; provoke to action or reaction" (see Concise Oxford English Dictionary); "to keep irritating or annoying somebody until he reacts" see Oxford Advanced Learner's Dictionary, 7th Edn.).

10. Words uttered in a fit of anger or omission without any intention cannot be termed as instigation. (See Praveen Pradhan Vs. State of Uttaranchal: (2012 9 SCC 734)

11. We are of the opinion that the evidence on record does not warrant conviction of the Appellant under Section 306 Indian Penal Code. There is no proximity between Panchayat held in September, 2001 and the suicide committed by Arvind on 23.02.2002. The incident of slapping by the appellant in September, 2001 cannot be the sole ground to hold him responsible for instigating the deceased to commit suicide. As the allegations against all the three accused are similar, the High Court ought not to have convicted the Appellant after acquitting the other two accused."

9. The accused can be prosecuted for the offence under Section 306 IPC if there are prima facie materials to show that the accused had an intention that the victim should die. In the case on hand, there is absolutely nothing on record to show that the accused entertained such a intention or carried out any act with that object in view. There has been no harassment or positive action proximate to the time of occurrence on the part of the accused. Since the elementary ingredients of the offence under Section 306 of I.P.C are absent in this case, the continuation of the impugned proceedings against the petitioner will



constitute an abuse of legal process.”

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8.The facts of the said judgment are squarely applicable to the facts of the present case. The charge sheet in PRC.No.11 of 2024 on the file of the District Munsif Cum Judicial Magistrate, Athoor, is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

17.03.2026

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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To

1. The District Munsif Cum Judicial Magistrate, Athoor

2.The Inspector of Police
Chinnalapatti Police Station
Dindigul District
Crime No.97 of 2022

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

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