

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 10TH DAY OF FEBRUARY 2022 / 21ST MAGHA, 1943

CRL.MC NO. 1318 OF 2014

CRIME NO.177/2013 OF Kollengode Police Station, Palakkad

AGAINST CP 85/2013 OF JUDICIAL MAGISTRATE OF FIRST

CLASS,CHITTUR

SC No.168/2014 OF ADDITIONAL DISTRICT & SESSIONS COURT, FAST

TRACK-1, PALAKKAD

Bail Appl. 2177/2013 OF HIGH COURT OF KERALA

PETITIONERS/ACCUSED:

- 1 DEEPA K.
AGED 26 YEARS
D/O. KRISHNANKUTTY, DEVI KRISHNA NIVAS, ADIYATH
PADAM, AYAKKAD P.O., PALAKKAD-678 683.
- 2 KRISHNANKUTTY
AGED 57 YEARS
S/O. PAZHANI, DEVI KRISHNA NIVAS, ADIYATH PADAM,
AAYAKKAD P.O., PALAKKAD-678 683.
- 3 SREEDEVI
AGED 53 YEARS
W/O. KRISHNANKUTTY, DEVI KRISHNA NIVAS, ADIYATH
PADAM, AAYAKKAD P.O., PALAKKAD-678 683.

BY ADVS.
SRI.P.MARTIN JOSE
SRI.P.PRIJITH

Cr1.M.C.No.1318/2014

-:2:-

RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM.
- 2 VELAYUDHAN
AGED 63 YEARS
S/O. KANDU, "N.K.NILAYAM", OONOR PALLAM,
MUTHALAMADA P.O., CHITTOOR TALUK, PALAKKAD
DISTRICT-678 507.

R2 BY ADV SRI.JACOB SEBASTIAN
SMT.M.K.PUSHPALATHA, SR.PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10.02.2022, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

O R D E R

Dated this the 10th day of February, 2022

This Cr1.M.C has been preferred to quash Annexure IX final report and all further proceedings in SC No.168/2014 on the file of the Additional District and Sessions Court, Fast Track-I, Palakkad.

2. The petitioners are the accused Nos.1 to 3. The 2nd respondent is the de facto complainant. The offences alleged are u/s 306 r/w 34 of IPC.

3. The crime was registered pursuant to Annexure III complaint filed by the 2nd respondent which was forwarded to the police by the Judicial First Class Magistrate Court, Chittoor. The first petitioner is the wife of deceased Vipindas (hereinafter referred to as 'the deceased'). The 2nd petitioner is the father of the first petitioner and the 3rd petitioner is the mother of the first petitioner. The son of the 2nd respondent viz., Vipindas committed suicide on 17/10/2012. The allegation in Annexure III complaint is that the petitioners abetted the suicide of the son of the 2nd

respondent and this is quite discernible from the suicide note found from the body of the deceased. This Cr1.M.C. has been filed to quash the proceedings on the ground that no ingredients of S.306 of IPC are made out.

4. I have heard Sri.Prijith P, the learned counsel for the petitioners, Sri.Jacob Sebastian, the learned counsel for the 2nd respondent and Smt.Pushpalatha, the learned Senior Public Prosecutor.

5. The learned counsel for the petitioners submitted that even if the allegations in the private complaint together with other materials collected during the investigation are taken at their face value, they do not constitute the offence alleged against them. The petitioners' counsel further submitted that neither Annexure VIII suicide note nor Annexure IX final report disclose any ingredients of offence u/s 306 of IPC and continuation of further proceedings pursuant to Annexure IX would be an abuse of process of law. On the other hand, the learned counsel for the 2nd respondent submitted that prima facie offences alleged against the petitioners are made out and, hence, there is no justification in invoking S.482 of Cr.P.C.

6. The records would show that Annexure VIII suicide note was not seized at the time of the inquest. On the other hand, the 2nd respondent produced the same later on before the police. According to the 2nd respondent, he got the copy of the suicide note from the Kollengode Police which was found out from the body of the deceased at the time of preparing the inquest report in Annexure 1 crime u/s 174 of Cr.P.C. But Annexure IX final report says otherwise. That apart, Annexure VIII does not disclose that the petitioners have in any way abetted the suicide of deceased. The contents in Annexure VIII reveals only the strained family life of the deceased. There is no reference of any word or sentence uttered by the petitioners to the deceased as alleged in the private complaint filed by the 2nd respondent. In short, the contents of Annexure VIII do not, in any way, attract the offence u/s 306 of IPC. It only shows the strained family life of the deceased and his fragile mental condition. Annexure IX final report also does not disclose any offence u/s 306 of IPC.

7. It is pertinent to note that the 2nd respondent filed a private complaint after 102 days from the date of death of the deceased. Unless there is an incitement or instigation by the

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accused to commit the suicide, offence u/s 306 of IPC cannot be attracted. It is not enough that the acts of the accused persuade the deceased to commit suicide. Since the offence u/s 306 of IPC is not made out against the petitioners, I am of the view that no purpose will be served in proceeding with the matter further.

Accordingly, this Cr1.M.,C. is allowed. Annexure IX final report and all further proceedings in SC No.168/2014 on the file of the Additional District and Sessions Court, Fast Track-I, Palakkad stands hereby quashed.

sd/-

DR. KAUSER EDAPPAGATH

JUDGE

Rp

APPENDIX OF CRL.MC 1318/2014

PETITIONER ANNEXURES

ANNEXURE I	COPY OF FIR ALONG WITH FIS IN CRIME NO.1232/2012 OF KOLLENGODE POLICE STATION.
ANNEXURE II	COPY OF POST MORTEM REPORT DTD.17.10.2012.
ANNEXURE III	COPY OF COMPLAINT FILED BY THE 2ND RESPONDENT BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHITTOOR.
ANNEXURE IV	COPY OF CRIME NO.177 OF 2013 OF KOLLENGODE POLICE STATION.
ANNEXURE V	COPY OF REPLY DTD.1.5.2013 OF STATION HOUSE OFFICER, KOLLENGODE POLICE STATION.
ANNEXURE VI	COPY OF REPLY DTD.30.5.2013 OF STATION HOUSE OFFICER, KOLLENGODE POLICE STATION.
ANNEXURE VII	COPY OF ORDER IN BA NO.2177/2013 DTD.3.6.2013 OF THIS HON'BLE COURT.
ANNEXURE VIII	COPY OF SUICIDE NOTE WRITTEN BY DECEASED VIPINDAS.
ANNEXURE IX	COPY OF FINAL REPORT IN CRIME NO.177/2013 OF KOLLENGODE POLICE STATION.