2025 INSC 607

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 4268 OF 2024

SHENBAGAVALLI AND ORS. ... APPELLANTS

VERSUS

THE INSPECTOR OF POLICE,
KANCHEEPURAM DISTRICT AND ANR. ...RESPONDENTS

AND

CRIMINAL APPEAL NO. 4269 OF 2024

J U D G M E N T

AUGUSTINE GEORGE MASIH, J.

1. These two criminal appeals have been preferred against judgment dated 13.04.2018, passed by the Single Judge of the Madras High Court, which dismissed the petitions preferred by the Appellants under Section 482 CrPC for quashing of the chargesheet submitted against them under Section 306 IPC. The relevant basic facts of the case are that the deceased Dinesh and Pushpakalashree (Accused No. 7) got married on 15.09.2013. Both are well qualified, as the deceased was an engineer whereas Accused No. 7 is an MBA graduate.

2. Soon after the marriage, relationship between the couple deteriorated. It is alleged that on 10.11.2013, Accused No. 1 to 6 came to the residence of the deceased and had a quarrel. They not only abused the deceased and his family with filthy language but also insulted the deceased by calling him impotent and infertile. Accused No. 7 went along with Accused No. 1 to 6 to her parental house.

3. The prosecution's case rests on the assertion that the deceased from 10.11.2013 to 09.12.2013 was continuously subjected to harassment by Accused No.1 to 7, owing to which Dinesh committed suicide.

4. Initially, the Police registered a case under Section 174 CrPC based upon the complaint made by Mr. K. Suresh (Respondent No. 2), the younger brother of the deceased. It is also asserted that while taking away Accused No. 7 along with them, the other co-accused threatened that they would get a dowry case registered against the deceased and his mother to get them arrested.

5. Due to this shame, degradation and depression, the deceased had stopped coming out of his house to face the public. During the course of investigation, the deceased's mother – Ambika handed over torn pages of a diary allegedly maintained by the deceased containing a suicide note disclosing the continued harassment

undergone by the deceased at the hands of Accused No. 1 to 7. In the light of the above, the FIR was registered under Section 306 by altering it from Section 174 of CrPC. After the conversion of the case under Section 306 of IPC and on completion of the investigation, a chargesheet was filed against the appellants which was committed to the Court of Sessions in S.C. No. 9 of 2016.

6. On such presentation of the chargesheet followed by committal proceedings, a petition under Section 482 of CrPC was preferred before the High Court challenging the same on the ground that no offence under Section 306 is made out even going by the alleged suicide note which is based upon the torn pages of the diary of the deceased which was being maintained by him. The ingredients of Section 306 were not made out. The other aspects with regard to the aspect of there being flaws in the investigation were also pointed out. The High Court on considering the submissions made by the parties proceeded to dismiss the same leading to the filing of the present appeals.

7. It is the contention of the Learned Counsel for the Appellant that the alleged suicide note does not specify the date on which it was written. It is asserted that although it is the stand of the prosecution that the torn pages of the diary were sent to the forensic laboratory, but no such report has been placed on record identifying

it to be the handwriting of the deceased. It is asserted that the incident of harassment which led to the deceased committing suicide took place on 10.11.2013 whereas the suicide incident had taken place after one month i.e. 09.12.2013.

8. Going by the suicide note, Accused No. 7, along with two others had visited the house of the deceased only once after the incident, i.e. the next day (11.11.2013) and thereafter there has been no further contact with them.

9. There is nothing on record to indicate that, on the date of the unfortunate incident or any time in close proximity thereof there was any act of instigation on the part of the Appellants. On this basis, it is contended that the essential ingredients of Section 306 IPC are not fulfilled, as there appears to be no provocation or instigative act in close temporal proximity to the incident. The language employed in the suicide note does not reflect any direct inducement that left the deceased with no other recourse but to take such an extreme step. Even assuming that the notes were authored by the deceased, a reading of their contents suggests that the deceased may have been emotionally sensitive and possibly reacted with disproportionate gravity to the events in question. While the remark allegedly made—questioning the manhood of the deceased could be hurtful and may affect a person's

dignity but it cannot, in itself and especially after a gap of nearly a month between the incident and the suicide, it cannot be construed as a sufficient provocation that would impel an ordinary, reasonable person to take such an irrevocable step.

10. Learned Counsel for the Appellants has placed reliance upon ***Mahendra Singh and Another Gayatribai V. State of M.P.[1], S.S. Chheena V. Vijay Kumar Mahajan and Another[2], Netai Dutta V. State of W.B.[3], Mohit Singhal and Another V. State of Uttarakhand and Others[4] and Amalendu Pal alias Jhantu V. State of West Bengal[5]*** to support his contentions. Prayer has thus been made that the present appeals may be allowed, and the chargesheet as presented be quashed by setting aside the impugned order of the High Court.

11. On the other hand, Counsel for the Respondents submits that the allegations in the suicide note would be enough to prima facie support the commission of the offence at the hands of the Appellants. It would be a question of trial to be decided by the Court on the basis of evidence and therefore it would not be appropriate at

[1] 1995 Supp (3) SCC 731
[2] (2010) 12 SCC 190
[3] (2005) 2 SCC 659
[4] (2024) 1 SCC 417
[5] (2010) 1 SCC 707

this stage to interfere. Learned Counsel has also supported the judgment passed by the High Court. Prayer has been made for dismissal of the present appeals.

12. We have considered the submissions made by the Counsel for the parties and have gone through the pleadings especially the alleged suicide note authored by deceased Dinesh. A perusal of the same would show that only four people have been held responsible for the suicide whose names have been mentioned therein. The primary reason as has been pointed out appears to be the marriage having not worked out between the two i.e. the deceased and Accused No. 7, his wife.

13. The incident which triggered the act of actual suicide according to the suicide note, is when relatives of his wife, who have been arrayed as accused and appellants here, barged into their house on 10.11.2013. They started abusing the deceased and his mother using filthy language. They were alleged to have manhandled them. Thereafter wife of the deceased having gone along with them to her parental home and while going out they shouted publicly that the deceased was impotent. Further, his wife had threatened him to publish, on internet, his nude photographs taken by her. Thereafter, the allegations which come out is that on the very next day i.e. 11.11.2013 his wife (accused No.7) along with

two other persons came to their house for discussion about the incident which had taken place on 10.11.2013 which indicated it to be a well-planned and executed incident to damage the reputation of the family. Allegations regarding illicit relations of his wife and threat of false implication in a dowry case has been highlighted.

14. What turns out primarily from the sequence of events, statements and the suicide note is that from 11.11.2013 until the actual date of suicide i.e. 09.12.2013 there has been no contact whatsoever either in person or by phone or any other means between the deceased or his relatives and his wife or any of the other accused which would indicate continuous harassment or torture or any sort of pressure at the hands of the accused Appellants on the deceased. Therefore, there is no proximity of any harassment or instigation prior to the incident of suicide having taken place. Otherwise also the contents of the FIR do not in itself indicate any active or direct act which can be said to have led the deceased to commit suicide leaving him no option but to push the deceased into a position that he committed suicide. From the suicide note, no abetment can be said to have been established that the accused instigated the deceased or there being any persistent cruelty or harassment which would make out an offence of abetment of suicide. Merely on the

basis of the allegations of harassment and that too a month ago with in between there being no contact of any sort on the part of the Appellants, till the time of occurrence which can be said to have led or compelled the deceased to have committed suicide, the offence has not been made out. *Mens rea* cannot be presumed, but must be ostensibly present and visible, which is missing in the present case. It involves a mental process of instigating a person and without a positive act on the part of the Appellants which can be said to either to instigate or aid in committing suicide, the ingredients of the offence cannot be said to have been present.

15. Section 306 requires a person having committed suicide as a first requirement but for abetment of such commission, which is essential, the ingredients must be found in Section 107 IPC. The requirement of abetment under Section 107 IPC is instigation, secondly engagement by himself or with other person in any conspiracy for doing such thing or act or a legal omission in pursuance to that conspiracy and thirdly intentionally aids by any act or an illegal omission of doing that thing. In large number of judgments of this Court it stands established that the essential ingredients of the offense under Section 306 IPC are (i) the abetment; (ii) intention of the accused to aid and instigate or abet the deceased to commit suicide. Merely because the act of an accused

is highly insulting to the deceased by using abusive language would not by itself constitute abetment of suicide. There should be evidence suggesting that the accused intended by such act to instigate the deceased to commit suicide. **(*M. Arjunan V. State represented by its inspector of Police*[6])**

16. Similarly, in the case of ***Ude Singh and Others V. State of Haryana*[7]*,*** it has been observed in para 16 as follows:

> *"**16.** In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.*
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> ***16.1.** For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of the*

[6] (2019) 3 SCC 315
[7] (2019) 17 SCC 301

accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased."

17. These being the essential ingredients for the offence of abetment to suicide, and the said ingredients having not been fulfilled, the further continuation of proceedings would not be sustainable. The other evidence such as statements, sought to be relied upon by the prosecution, apart from the suicide note, does not in any manner advance the case of the prosecution, particularly when the foundation of the case is the suicide note itself. With the very element of abetment conspicuously absent from the allegations made in the FIR which is primarily based upon the suicide note, the essential requirements for

constituting an offence under Section 306 IPC remain unfulfilled. As such, the continuation of the criminal proceedings initiated against the Appellants would amount to an abuse of the process of law. The Court cannot permit such proceedings to degenerate into instruments of harassment or unjust prosecution.

18. The Court would not hesitate to exercise its extraordinary powers which are inherent to quash such proceedings when it comes to fore, and the court is satisfied that allowing the proceedings to continue would be an abuse of process of Court or that the ends of the justice require that the proceedings ought to be quashed. Reference in this regard may be made to the Judgment of this Court in ***Geo Varghese V. State of Rajasthan and Another***[8]***.***

19. In the light of the above findings, when offence under Section 306 itself is not being made out continuance of the proceedings against the Appellants cannot be permitted.

20. The present appeals are allowed. The impugned Judgment dated 13.04.2018 passed by the High Court is hereby quashed and set aside. Proceedings in S.C. No.

[8] (2021) 19 SCC 144

9 of 2016 pending before the Assistant Sessions Judge, Kanchipuram, are also quashed and set aside.

21. Pending application(s), if any, stand disposed of.

..... J.
[ABHAY S. OKA]

.....J.
[AUGUSTINE GEORGE MASIH]

NEW DELHI;
APRIL 30, 2025