HC-KAR

CNR: KAHC010687882024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 13604 OF 2024

BETWEEN:

1. SMT. DEEPIKA E
   D/O ESHWARAIAH
   AGED ABOUT 33 YEARS

2. SRI. ESHWARAIAH
   S/O SRI. KEMPEGOWDA
   AGED ABOUT 68 YEARS

3. SMT. SUJATHA C
   W/O SRI. ESHWARIAH
   AGED ABOUT 55 YEARS

4. SRI. NAVEEN KUMAR E
   S/O ESHWARAIAH
   AGED ABOUT 35 YEARS

   THE PETITIONERS NO.1 TO 4 ARE
   R/AT NO. 426/A, 1ST CROSS
   BEHIND ROBERT BOSCH,
   7TH BLOCK, KORAMANGALA
   BENGALURU - 560 095.

...PETITIONERS

(BY SRI. LOKESHA A.N, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   BY THE STATION HOUSE OFFICER,
   CHANDRA LAYOUT POLICE STATION,
   BENGALURU - 560 040
   REP. BY HCGP
   HIGH COURT OF KARNATAKA
   BENGALURU - 560 001.

2. SMT. JAYAMMA
   AGED ABOUT 65 YEARS
   W/O LATE KEMPEGOWDA
   NO.898, 15TH CROSS
   CHANDRA LAYOUT, 2ND STAGE
   BENGALURU - 560 040.

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1;
SRI. PRAKASH M.H, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO 1) QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.1557/2023 AND CALL FOR THE RECORDS IN S.C.NO.1557/2023 PENDING CONSIDERATION ON THE FILE OF THE LEARNED LV ADDL. CITY CIVIL AND SESSIONS JUDGE AT BENGALURU.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CNR: KAHC010687882024

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

In this petition, the petitioners have challenged the order dated 25.10.2024 passed by the LV Additional City Civil and Sessions Judge, Bengaluru (CCH-56) (for short, 'the learned Sessions Judge') in S.C. No.1557/2023, whereby the learned Sessions Judge dismissed the application filed by the petitioners under Section 227 of Cr.P.C. seeking their discharge.

2. The factual matrix of the case is that respondent No.2 herein lodged a complaint before respondent No.1/police on 04.03.2022, alleging that the accused persons are her daughter-in-law and her family members. Respondent No.2/complainant has two daughters and a son. About two years prior to lodging the complaint, she had performed the marriage of her son, Prasad (deceased) with petitioner No.1/Deepika E., who is working at Bengaluru Dairy. After the marriage, her son

and petitioner No.1 started residing together, and their marital relationship was cordial for a period of one year. Thereafter, they started quarrelling over trivial issues. The parents of petitioner No.1 used to visit the matrimonial home and advise both of them not to indulge in quarrels.

3. Despite such advice, the differences between them continued. Subsequently, the son of respondent No.2 and petitioner No.1 started residing in a rented house at Chandra Layout. In January 2022, petitioner No.1/Deepika E. went to her parental house on the pretext of ill-health and thereafter did not return to the matrimonial home.

4. On 04.03.2022, petitioner No.1 lodged a complaint before the Shivajinagar Women Police Station against her husband Prasad and respondent No.2. Pursuant to the summons issued by the Police, her husband appeared before the Police station. The Police advised both the husband and petitioner No.1 to resolve

their differences and lead a cordial marital life. Thereafter, respondent No.2 and her son obtained anticipatory bail from the jurisdictional Court on 18.04.2022 in connection with the complaint lodged by petitioner No.1. Subsequently, when they approached the Police station to comply with the conditions imposed while granting anticipatory bail, the Police allegedly abused and threatened the deceased Prasad, stating that he would be put behind bars. On account of the same, Prasad became upset and allegedly underwent depression.

5. On 19.04.2022, respondent No.2 and her son visited a temple situated near their house at about 5.00 p.m. Thereafter, her son Prasad returned home, while respondent No.2 remained at the temple until about 7.00 p.m. When she returned home, she found the house locked. Upon opening the door, she found that Prasad had committed suicide in the car shed. Consequently, she lodged a complaint on the same day alleging that the complaint lodged by petitioner No.1 against her son and

the subsequent threats allegedly extended by the Police had driven him to commit suicide.

6. On the basis of the said complaint, respondent No.1/Police registered an FIR in Crime No.116/2022 dated 19.04.2022 against the petitioners for the offences punishable under Section 306 read with Section 34 of IPC. Subsequently, respondent No.1/Police conducted investigation and filed the charge sheet against the petitioners for the aforesaid offences. The learned Magistrate took cognizance of the offences and committed the case to the Court of Sessions. The petitioners thereafter filed an application under Section 227 of Cr.P.C. seeking their discharge. However, upon consideration of the charge sheet materials, the learned Sessions Judge dismissed the said application. Aggrieved by the same, the petitioners have approached this Court.

7. Heard Sri. Lokesha A.N., learned counsel for the petitioners, Sri. Mahesha P., learned HCGP for

respondent No.1 and Sri. Prakash M.H., learned counsel for respondent No.2.

8. Apart from urging several other contentions, the learned counsel for the petitioners primarily contended that, upon perusal of the entire charge sheet materials, absolutely no offence punishable under Section 306 of IPC is made out against the petitioners. According to him, petitioner No.1, being the wife of the deceased, had lodged a complaint against her husband deceased Prasad on 04.03.2022. Thereafter, the Police summoned respondent No.2 and the deceased to the Police station and advised them to lead a happy and cordial marital life. However, respondent No.2 and the deceased themselves obtained anticipatory bail and, for the purpose of complying with the conditions imposed therein, approached the Police station. At that time, the Police allegedly threatened them, stating that they would be put behind bars. Subsequently, on 19.04.2022, the deceased committed suicide. Therefore, there is absolutely no nexus

between the complaint lodged by petitioner No.1 against the deceased and respondent No.2 and the commission of suicide by the deceased Prasad. By no stretch of imagination can it be said that the petitioners abetted or instigated the deceased to commit suicide.

9. He further contended that, upon placing reliance on the charge sheet materials, there is no positive act attributable to the petitioners which could have instigated or intentionally aided the deceased Prasad to commit suicide. According to him, the averments made in the complaint clearly reveal that the Police threatened the deceased on 18.04.2022 at the Police station, pursuant to which he became upset and depressed and, on the following day, committed suicide. Admittedly, the police officials who allegedly threatened the deceased have not been arrayed as accused either in the complaint or in the charge sheet.

10. In support of his contentions, the learned counsel for the petitioners placed reliance on various

judgments of the Hon'ble Apex Court and contended that, in order to attract the offence punishable under Section 306 of IPC, the prosecution must *prima facie* establish the existence of a direct or indirect act of instigation, intentional aid or abetment on the part of the accused, having a proximate nexus with the commission of suicide. Mere allegation of harassment, matrimonial discord or lodging of a complaint by the wife against her husband, by themselves, would not constitute abetment of suicide in the absence of any positive act or *mens rea* on the part of the accused to instigate or intentionally aid the deceased to commit suicide. He further contended that the allegations made in the complaint and the materials collected during the course of investigation, even if taken at their face value, do not disclose the essential ingredients of the offence under Section 306 of IPC. Accordingly, he submitted that continuation of the proceedings against the petitioners would amount to an abuse of the process of Court.

11. *Per contra*, the learned counsel for respondent No.2 opposed the petition contending that the learned Sessions Judge, upon consideration of the entire charge sheet materials, rightly rejected the application for discharge. According to him, the statements of material witnesses CW.8 and CW.9, namely, the brother-in-law and maternal aunt of the deceased, clearly reveal that the deceased Prasad was driven to commit suicide on account of the false complaint lodged by petitioner No.1 and the harassment meted out to him.

12. He further contended that, despite there being no harassment meted out by the deceased Prasad to petitioner No.1, she had falsely lodged a complaint against him and had also threatened to lodge a complaint for the offence punishable under Section 377 of IPC. On account of the same, the deceased became upset and depressed and ultimately committed suicide. The other witnesses, who are the family members of the deceased, have also spoken about the alleged abetment by the petitioners. He

finally contended that the statements of the witnesses are required to be tested during a full-fledged trial and therefore, the learned Sessions Judge rightly dismissed the application for discharge. Accordingly, he prayed for dismissal of the petition.

13. The learned HCGP also opposed the petition on similar grounds.

14. I have given my anxious consideration to the submissions made by the learned counsel for the parties and have perused the entire charge sheet materials.

15. Before adverting to the merits of the case, it is appropriate to refer to Sections 107 and 306 of the Indian Penal Code, 1860 (for short, 'IPC'), which read as follows:

> *"**107. Abetment of a thing**.— A person abets the doing of a thing, who—*
>
> *First.— Instigates any person to do that thing; or*
>
> *Secondly.— Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or*

Thirdly.— Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.— A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.— Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

306. Abetment of suicide.— *If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."*

16. On a careful reading of the aforesaid provisions, it is evident that, to constitute an offence under Section 306 of IPC, the prosecution must establish that the accused abetted the commission of suicide within the meaning of Section 107 of IPC, either by instigating the deceased, engaging in a conspiracy for the commission of the act, or intentionally aiding the commission thereof.

17. In the instant case, the relationship between the petitioners, respondent No.2 and the deceased is not in dispute. Petitioner No.1 is the wife of the deceased Prasad. Their marriage was solemnised in the year 2020. They resided cordially for a period of one year, and thereafter their marital relationship became strained, which ultimately resulted in petitioner No.1 lodging a complaint against her husband, the deceased Prasad, on 04.03.2022.

18. As per the averments made in the complaint, after petitioner No.1 lodged the complaint, respondent No.1/police summoned both parties to the Police station and, before registration of the FIR, advised them to resolve their differences and lead a cordial marital life.

19. Thereafter, respondent No.2 and the deceased Prasad approached the Sessions Court and obtained anticipatory bail. Subsequently, when they approached the Police station on 18.04.2022 to comply with the conditions

imposed while granting anticipatory bail, it is alleged that the Police threatened the deceased, stating that he would be put behind bars in connection with the complaint lodged by petitioner No.1. It is further alleged that the Police informed him that he had committed an offence under Section 377 of IPC. On account of the same, the deceased became upset and on the following day, i.e., 19.04.2022, committed suicide.

20. On careful scrutiny of the complaint, nowhere it is stated that the deceased Prasad committed suicide on account of any instigation or harassment by the petitioners. On the contrary, it is specifically alleged that when the deceased and respondent No.2 approached the Police station, the Police threatened them, stating that they would be put both respondent No.2 and her deceased son behind bars. Admittedly, the complaint by petitioner No.1 was lodged on 04.03.2022, much prior to the date of commission of suicide by the deceased.

21. Nevertheless, even before registration of the FIR, the Police had summoned both parties and advised them to lead a cordial marital life. In this background, the statements of the witnesses, particularly CWs.7, 8, 9 and 10, require careful scrutiny. It is stated in the said statements that the mother of petitioner No.1 had threatened that they would teach a lesson to the deceased for not having taken petitioner No.1 back to the matrimonial home.

22. However, the statement of CW.7 was recorded on 06.12.2022, i.e., after a lapse of several months. Further, even according to the said statement, the mother of petitioner No.1 i.e., petitioner No.3/accused No.3 had allegedly called the witness during February 2022, whereas the deceased committed suicide in April 2022. In such circumstances, there is no proximity between the alleged threat or harassment by the petitioners and the commission of suicide by the deceased. The Hon'ble Apex Court, in the case of ***Geo Varghese v. State of***

Rajasthan and Another, reported in (2021) 19 SCC 144, at paragraph No.22, has held as follows:

> *"**22**. What is required to constitute an alleged abetment of suicide under Section 306 IPC is there must be an allegation of either direct or indirect act of incitement to the commission of offence of suicide and mere allegation of harassment of the deceased by another person would not be sufficient in itself, unless, there are allegations of such actions on the part of the accused which compelled the commission of suicide. Further, if the person committing suicide is hypersensitive and the allegations attributed to the accused is otherwise not ordinarily expected to induce a similarly situated person to take the extreme step of committing suicide, it would be unsafe to hold the accused guilty of abetment of suicide. Thus, what is required is an examination of every case on its own facts and circumstances and keeping in consideration the surrounding circumstances as well, which may have bearing on the alleged action of the accused and the psyche of the deceased."*

23. Further, the Hon'ble Apex Court, in the case of ***Mariano Anto Bruno v. Inspector of Police, reported in 2022 LiveLaw (SC) 834***, has held that, to attract the provisions of Section 306 of IPC, there must be a clear *mens rea* on the part of the accused to commit the offence. The relevant paragraphs 36 and 38 of the judgment read as follows:

> *"**36**. To convict a person under Section 306 IPC, there has to be clear mens rea to commit offence. It also requires an active act or direct act which leads deceased to commit suicide finding no other option and the act must be such reflecting intention of the accused to push deceased into such a position that he commits suicide. The prosecution has to establish beyond reasonable doubt that the deceased committed suicide and Appellant No. 1 abetted the commission of suicide of the deceased. In the present case, both the elements are absent.*
>
> ***38**. "This Court has time and again reiterated that before convicting an accused under Section 306 IPC, the Court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their 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, conviction in terms of Section 306 IPC is not sustainable."*

24. The Hon'ble Apex Court, in the case of ***Nipur Aneja and Others v. State of Uttar Pradesh, reported in 2024 SCC OnLine SC 870***, has also reiterated the principles governing the offence of abetment of suicide

under Section 306 of IPC. The relevant paragraphs 21 and 22 of the judgment read as follows:

> *"**21**. The ingredients to constitute an offence under Section 306 of the IPC (abetment of suicide) would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account of great disturbance to the psychological imbalance of the deceased such incitement can be divided into two broad categories. First, where the deceased is having sentimental ties or physical relations with the accused and the second category would be where the deceased is having relations with the accused in his or her official capacity. In the case of former category sometimes a normal quarrel or the hot exchange of words may result into immediate psychological imbalance, consequently creating a situation of depression, loss of charm in life and if the person is unable to control sentiments of expectations, it may give temptations to the person to commit suicide, e.g., when there is relation of husband and wife, mother and son, brother and sister, sister and sister and other relations of such type, where sentimental tie is by blood or due to physical relations. In the case of second category the tie is on account of official relations, where the expectations would be to discharge the obligations as provided for such duty in law and to receive the considerations as provided in law. In normal circumstances, relationships by sentimental tie cannot be equated with the official relationship. The reason being different nature of conduct to maintain that relationship. The former category leaves more expectations, whereas in the latter category, by and*

large, the expectations and obligations are prescribed by law, rules, policies and regulations."

*"**22**. The test that the Court should adopt in this type of cases is to make an endeavour to ascertain on the basis of the materials on record whether there is anything to indicate even prima facie that the accused intended the consequences of the act, i.e., suicide. Over a period of time, the trend of the courts is that such intention can be read into or gathered only after a full-fledged trial. The problem is that the courts just look into the factum of suicide and nothing more. We believe that such understanding on the part of the courts is wrong. It all depends on the nature of the offence & accusation. For example, whether the accused had the common intention under Section 34 of the IPC could be gathered only after a full-fledged trial on the basis of the depositions of the witnesses as regards the genesis of the occurrence, the manner of assault, the weapon used, the role played by the accused etc. However, in cases of abetment of suicide by and large the facts make things clear more particularly from the nature of the allegations itself. The Courts should know how to apply the correct principles of law governing abetment of suicide to the facts on record. It is the inability on the part of the courts to understand and apply the correct principles of law to the cases of abetment of suicide, which leads to unnecessary prosecutions. We do understand and appreciate the feelings and sentiments of the family members of the deceased and we cannot find any fault on their part if they decide to lodge a First Information Report with the police. However, it is ultimately for the police and the courts of law to look into the matter and see that the persons against whom allegations have been levelled are not unnecessarily harassed or they are not put to trial just for the sake of prosecuting them."*

25. Applying the aforesaid principles laid down by the Hon'ble Apex Court to the facts and circumstances of the present case, and upon an overall consideration of the allegations and the statements of the witnesses, this Court finds that there is no material to indicate that the petitioners had, either directly or indirectly, instigated or intentionally aided the deceased to commit suicide. There is also no material to *prima facie* indicate any *mens rea* on the part of the petitioners to drive the deceased to commit suicide. Mere lodging of a complaint by a wife alleging harassment by her husband cannot, by itself, be construed as an act of abetment to commit suicide.

26. It is by now well settled that continuation of the criminal proceedings against any person on the basis of a frivolous or vexatious complaint is something very serious. This would tarnish the image of the person against whom false, frivolous and vexatious allegations are leveled. The Hon'ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in ***2023 SCC OnLine SC 951***,

held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstance, Court owes a duty to look into the FIR with care and a little more closely. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. On the other hand, the Court owes a duty to look into many other attending circumstance emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of Cr.P.C or Article 226 of Constitution need not restrict itself

only to the stage of a case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

27. Applying the aforesaid principles to the present case, it is necessary to examine whether the materials collected during the course of investigation disclose sufficient grounds for proceeding against the petitioners under Section 306 read with Section 34 of IPC.

28. On an overall consideration of the entire charge sheet materials, this Court is of the considered view that, even if the allegations made in the FIR and the other materials collected during the course of investigation are taken at their face value, the essential ingredients of the offence punishable under Section 306 read with Section 34 of IPC are not made out against the petitioners.

29. Hence, continuation of the criminal proceedings against the petitioners/accused would amount to an abuse

of the process of Court. These aspects of the matter have not been properly appreciated by the learned Sessions Judge while dismissing the application filed under Section 227 of Cr.P.C. Therefore, interference with the impugned order is warranted. Accordingly, I pass the following:

ORDER

i. The petition is ***allowed***.

ii. The order dated 25.10.2024 passed in S.C. No.1557/2023 by the LV Additional City Civil and Sessions Judge, Bengaluru (CCH-56), is hereby set aside.

iii. The application filed by the petitioners/accused under Section 227 of Cr.P.C. is allowed.

iv. Consequently, the petitioners/accused are discharged from the offences punishable under Section 306 read with Section 34 of IPC.

SD/-
(RAJESH RAI K)
JUDGE

TMP
List No.: 2 Sl No.: 1