

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR**

**CRM(M) 340/2023**

**KHALID FAYAZ AHANGER AND ...Petitioner/Appellant(s)  
ORS.**

Through: Mr. Sheikh Hilal, Advocate

**Vs.**

**UNION TERRITORY OF J AND K ...Respondent(s)**

Through: Mr. Bikdramdeep Singh, Dy.AG

**CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER**  
29.05.2026

1. The petitioners call in question the order dated 17.06.2023 passed by the learned Trial Court whereby charges for the offences punishable under Sections 306 and 107 IPC came to be framed against them. Pursuant to the said order, the petitioners pleaded not guilty and claimed trial. The prosecution case, as emerging from the charge-sheet and accompanying material, is that on 11.04.2023 Police Station Khansahib received an inquest report under Section 174 Cr.P.C. regarding the suspicious death of one Saima Javid. During the course of inquiry, it surfaced that the deceased had allegedly been in a relationship with petitioner No.1, Khalid Fayaz Ahanger, for several years. It was alleged that on the date preceding the occurrence, the deceased had visited the house of petitioner No.1, where she was

allegedly subjected to humiliation, abuse and ill-treatment and was forcibly turned out from the house. It was further alleged that petitioner No.1 used derogatory language against her, which caused severe emotional distress and psychological trauma. Unable to bear the humiliation allegedly meted out to her, the deceased returned to her home and subsequently committed suicide by hanging herself. On the basis of these allegations, FIR No. 35/2023 came to be registered for the offence punishable under Section 306 IPC.

2. During investigation, statements of witnesses were recorded under law. The investigating agency found that the deceased had been in a relationship with petitioner No.1 for more than five years and that on 26.03.2023, a day prior to the incident, she had gone to the maternal residence of petitioner No.1 to meet him. According to the prosecution, she was allegedly humiliated by petitioner No.1 and his maternal grandparents, branded as a woman of questionable character and forcibly removed from the premises. It is alleged that the humiliation caused immense mental anguish to the deceased, who returned home in a distressed condition and, on 27.03.2023, ended her life by hanging herself from a wooden beam on the upper floor of her residence. The investigation further revealed that the deceased was found hanging from the ceiling of her room with a ligature mark around her neck and without any apparent signs of struggle, indicating death by hanging. The prosecution asserts that the deceased had confided to certain witnesses, namely PWs Dila Manzoor, Khushboo Javid and Shaziya Javid, regarding the conduct of petitioner No.1 and her emotional distress arising therefrom. It is further alleged that the

deceased had informed the said witnesses that petitioner No.1 was involved with another girl and had started avoiding her. The prosecution case is that when the aforesaid witnesses informed petitioner No.1 that the deceased was in a depressed state and continuously crying, requesting him to speak to and console her, he allegedly responded that if she wanted to die, she was free to do so. According to the investigating agency, the cumulative effect of the humiliation, rejection and indifference allegedly exhibited by petitioner No.1 and other co-accused drove the deceased into a state of depression, ultimately leading her to commit suicide. Initially, proceedings under Section 174 Cr.P.C. were undertaken; however, upon completion of the preliminary inquiry, the matter was converted into FIR No. 35/2023 on 11.04.2023 for offences punishable under Sections 306 and 107 IPC. During the pendency of the proceedings, one of the accused is stated to have expired, leaving petitioner No.1 and his maternal grandfather, Habibullah Najar, to face prosecution before the Court of Additional Sessions Judge (Fast Track) Budgam (“the Trial Court”).

3. Upon presentation of the charge-sheet, the Trial Court took cognizance of the offences and, after considering the material placed on record, came to the conclusion that a *prima facie* case for offences under Sections 306 and 107 IPC was made out against the petitioners. Consequently, charges were framed against them, to which they pleaded not guilty and claimed trial. While passing the impugned order, the learned Trial Court observed that the material collected during investigation *prima facie* disclosed that petitioner No.1 and the

deceased had been acquainted with each other and had remained in a relationship for a considerable period. The Court further noted that a day prior to the incident, petitioner No.1 had allegedly questioned the character of the deceased, compelled her to leave his house and subsequently declined to continue the relationship despite requests made through common acquaintances. Taking note of the medical evidence and the surrounding circumstances reflected in the investigation record, the learned Trial Court concluded that there existed sufficient grounds to presume the commission of the offences alleged and accordingly proceeded to frame charges against the petitioners.

4. Ld. counsel for the petitioners, while placing reliance upon *State of West Bengal v. Indrajit Kundu (Criminal Appeal No. 2181 of 2009, decided on 18.10.2019)*, submitted that the essential ingredients constituting the offence punishable under Section 306 IPC are conspicuously absent in the present case. It was argued that neither have the petitioners abetted the commission of suicide nor is there any proximate nexus between the alleged acts of the petitioners and the unfortunate death of the deceased. Learned counsel contended that the charge-sheet is completely silent as regards any role attributable to the co-accused in the relationship between petitioner No. 1 and the deceased. According to the petitioners, the suicide committed by the deceased cannot be said to be a direct consequence of any act attributable to them, nor can it be inferred that the deceased was left with no option except to take the extreme step. Reliance was further placed upon *Nazir Ahmad Dar and Others v. UT of J&K (CRM(M)*

*No. 430/2023, decided on 31.05.2024*), to contend that the offence of abetment necessarily requires the existence of mens rea and material on record demonstrating a culpable intention on the part of the accused to facilitate or instigate the commission of suicide. Learned counsel also relied upon *Geo Varghese v. State of Rajasthan (Criminal Appeal No. 1164 of 2021, decided on 05.10.2021)*, to argue that in the absence of specific allegations and substantive incriminating material, the petitioners cannot be subjected to criminal prosecution. It was submitted that the prosecution has failed to establish that the petitioners intended to place the deceased in such circumstances as would leave her with no alternative but to end her life.

5. Per contra, learned counsel appearing for the respondent vehemently opposed the petition and submitted that the allegations levelled against the petitioners disclose a grave offence of abetment of suicide. It was argued that the existence of a long-standing relationship between the deceased and petitioner No. 1, extending over a period of more than five years, is not disputed by the petitioners. The medical records, according to the respondent, further indicate that the relationship had progressed to physical intimacy. Learned counsel submitted that when the deceased came to know that petitioner No. 1 had developed an interest in another girl, she visited his residence on 26.03.2023 in an attempt to seek clarification regarding their relationship. However, instead of receiving a response, she was allegedly subjected to humiliation and insult, branded as a woman of easy virtue, and forcibly turned out of the house. It was further contended that at the relevant time the deceased was approximately 18 years of age,

whereas petitioner No. 1 was around 22 years old, and therefore the existence of their relationship cannot be lightly discarded. Learned counsel submitted that the subsequent conduct of petitioner No. 1, particularly his refusal to communicate with the deceased after the incident of 26.03.2023, aggravated her emotional distress and rendered her life unbearable. According to the respondent, the cumulative effect of the humiliation, rejection and social ignominy suffered by the deceased drove her to take the extreme step of ending her life by hanging, thereby establishing a *prima facie* case of abetment against the petitioners.

6. I have heard learned counsel for the parties, considered their rival submissions and perused the record made available.
7. Before advertng to the merits of the controversy, it is necessary to bear in mind the settled legal position governing the stage of framing of charge. At this stage, the Court is not expected to undertake a meticulous appreciation of evidence or adjudicate upon the probable defence of the accused. The Court is merely required to ascertain whether the material collected during investigation discloses grave suspicion against the accused and whether there exist sufficient grounds for presuming that the accused has committed the offence alleged. If the material on record gives rise to a strong suspicion regarding the involvement of the accused, the matter must necessarily proceed to trial.
8. The prosecution case, as emerging from the charge-sheet and the statements recorded during investigation, *prima facie* reveals that the deceased and petitioner No.1 were in a relationship for more than five

years. The material collected by the investigating agency further indicates that shortly before the occurrence, the deceased had come to know that petitioner No.1 had developed an interest in another girl and had started avoiding her. Disturbed by this development, the deceased is stated to have visited the residence of petitioner No.1 on 26.03.2023 in an attempt to seek clarification regarding their relationship.

9. The investigation record further discloses allegations that when the deceased reached the residence of petitioner No.1, she was subjected to humiliation and insult, branded as a woman of questionable character and forcibly turned out of the house. The statements of witnesses recorded under Section 161/164 Cr.P.C. indicate that the deceased returned from the said place in a distressed and emotionally shattered condition. The prosecution has also relied upon the statements of witnesses who claim that the deceased had shared with them her anguish regarding the conduct of petitioner No.1 and the humiliation allegedly suffered by her.

10. The material collected during investigation further suggests that despite being informed by common acquaintances about the deteriorating mental condition of the deceased and her state of depression, petitioner No.1 allegedly displayed complete indifference towards her plight. The prosecution has specifically relied upon statements to the effect that when petitioner No.1 was requested to speak to the deceased and console her, he allegedly remarked that if she wished to die, she could do so. Whether such statements were actually made and the evidentiary value thereof are matters which can only be tested during trial; however, at the present stage, the Court is

required to proceed on the assumption that the material collected by the investigating agency is true.

11. The cumulative effect of the allegations cannot be viewed in isolation.

The prosecution case is not founded merely upon a failed relationship or a refusal to continue a romantic association. Rather, the allegations disclose a sequence of events comprising prolonged intimacy, sudden rejection, public humiliation, character assassination and subsequent indifference towards the emotional condition of the deceased. The prosecution asserts that these circumstances created a state of acute mental trauma which ultimately culminated in the deceased taking the extreme step of ending her life within a short span of time after the incident.

12. At this stage, it cannot be said that the material on record is wholly insufficient to attract the ingredients of Sections 306 IPC. The question whether the conduct attributed to the petitioners amounted to instigation, intentional aid, or such wilful conduct as would bring the case within the ambit of abetment is essentially a matter requiring appreciation of evidence. The existence of mens rea, the proximity between the acts complained of and the commission of suicide, and the impact of the conduct of the accused upon the mental state of the deceased are all issues which can be conclusively determined only after the parties' lead evidence before the Trial Court.

13. The judgments relied upon by learned counsel for the petitioners undoubtedly lay down that mere harassment or ordinary discord, by themselves, would not ipso facto constitute the offence of abetment of suicide. However, each case must necessarily be examined on its own

facts and circumstances. In the present case, the prosecution has alleged not only the rejection of the deceased by the petitioner no.1 but also her humiliation and derogatory treatment immediately preceding the occurrence. Further, despite being apprised of the fragile mental condition of the deceased, petitioner No.1 is alleged to have responded in a manner indicative of complete disregard for her emotional well-being. Prima facie, the conduct attributed to petitioner No.1 reflects an attitude of having used and discarded the deceased as though she were a mere commodity. These circumstances, when considered cumulatively, distinguish the present case from those instances where the allegations were found to be wholly insufficient to attract the ingredients of abetment of suicide.

14. Significantly, the material collected during investigation does not disclose any specific role attributable to petitioner No.2 except the general allegation that the deceased was turned out of the house and subjected to humiliation. There is no material demonstrating any intentional act on his part aimed at provoking, inciting, or facilitating the commission of suicide. The continuation of criminal proceedings against petitioner No.2, therefore, appears to be founded more on conjecture than on legally admissible material disclosing the ingredients of the offence.

15. The learned Trial Court, upon consideration of the statements of witnesses, medical evidence and other material collected during investigation, arrived at the conclusion that sufficient grounds existed for presuming the involvement of the petitioner no.1 in the offences alleged. The satisfaction recorded by the Trial Court cannot be said to

be either perverse or unsupported by the record. At the stage of framing of charge, the Court is not required to record a finding of guilt but only to determine whether the material raises a strong suspicion warranting a full-fledged trial.

16. Viewed thus, this Court is of the considered view that the material placed on record by the prosecution as detailed in the charge-sheet discloses strong and sufficient grounds for presuming the commission of offence punishable under Section 306 IPC against Petitioner no.1, whereas to the extent of petitioner No.2 the criminal proceedings are founded without any legal basis, hence FIR and consequential proceedings to the extent of petitioner No.2 is hereby quashed. Petitioner No.3 since has expired during the currency of proceedings, so to that extent the proceedings stand abated. In that background, this petition is partly allowed with direction to the Trial Court to proceed ahead with trial as against petitioner No.1 in accordance with law.

17. *Disposed of* as such.

(SANJAY PARIHAR)  
JUDGE

**SRINAGAR:**

29.05.2026

*Akhil Dev*

Whether the order is speaking?	Yes
Whether the order is reportable?	Yes