

Reserved on : 12.08.2026
Pronounced on : 18.08.2026



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.4666 OF 2026

BETWEEN:



(BY SRI LAKSHMIKANTH K., ADVOCATE)

... PETITIONER

AND:

- 1 . STATE OF KARNATAKA
BY NELAMANGALA TOWN POLICE STATION
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU – 01.
- 2 .

... RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R-1;
SMT.RAKSHA KEERTHANA, ADVOCATE FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS., PRAYING TO QUASH THE FURTHER PROCEEDING IN C.C.NO.15565/2025 ARISING OUT OF THE CRIME.NO. 138/2025 IN PENDING ON THE FILE OF II ADDL. CIVIL JUDGE AND JMFC AT NELAMANGALA OF RESPONDENT NO.1 NELAMANGALA TOWN POLICE STATION FOR THE OFFENCE PUNISHABLE UNDER SECTION 108, 75, 78 OF BNS ACT, PENDING ON THE FILE OF II ADDL. CIVIL JUDGE AND JMFC AT NELAMANGALA.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 12.08.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner/accused is before the Court calling in question proceedings in C.C.No.15565 of 2025 pending before the II Additional Civil Judge and JMFC at Nelamangala, registered for offences punishable under Sections 75, 78 and 108 of the BNS.

2. Facts adumbrated, are as follows: -

The 2nd respondent is the complainant. Her daughter, , aged 22 years, was pursuing Nursing at Mysuru when she came in contact with the petitioner. What allegedly began as an acquaintance over the telephone gradually assumed a complexion altogether different. The petitioner is said to have professed love towards and insisted that she reciprocate the same and marry him. The allegation does not stop at an expression of affection, for affection cannot be commanded and love cannot be compelled. The petitioner is alleged to have repeatedly insisted that Bhavana meet him at places chosen by him, persuaded her to accompany him to Dharmasthala and other places and, during such association, secured photographs of them together.

3. What thereafter unfolded, according to the prosecution, was not courtship but coercion. is alleged to have made her disinclination clear. The petitioner, however, would not relent. He is said to have followed her to her workplace, compelled her to accompany him on his motorcycle, insisted upon marriage and threatened that, if she did not yield to his demands, the photographs in his possession would be circulated and her

prospects of marriage elsewhere destroyed. The torment allegedly reached such proportions that, on 05-07-2025, Bhavana consumed tablets with the intention of ending her life. Providence intervened on that occasion. She was rushed to hospital, treated and survived. The family thereafter intervened. A complaint was lodged before the jurisdictional Police. Elders stepped in and advised the petitioner to keep away from Bhavana. On such assurance, the complaint came to be withdrawn.

4. The petitioner allegedly returned to the very conduct that had earlier driven Bhavana to attempt suicide. Whenever matrimonial negotiations commenced, he is said to have entered the scene and proclaimed before the prospective groom that he and Bhavana were in a relationship. One such proposal with a person by name allegedly collapsed after the petitioner telephoned him and made such assertions. On 29-07-2025, could endure no more. She was found hanging from the ceiling fan in her room. Her death gave rise to Crime No.138 of 2025. Investigation followed and culminated in the filing of a charge sheet in C.C. No.15565 of 2025. Cognizance having been taken and summons having been issued, the petitioner is now at the doors of this Court

seeking obliteration of the proceedings in exercise of jurisdiction under Section 528 of the BNSS.

5. Heard Sri Lakshmikhanth K, learned counsel appearing for the petitioner, Smt. Rashmi Patel, learned High Court Government Pleader appearing for respondent No.1 and Smt. Raksha Keerthana, learned counsel appearing for respondent No.2.

6. The learned counsel appearing for the petitioner would vehemently contend that necessary ingredients of abetment to suicide are not present in the case at hand. The petitioner cannot be alleged of either goading, instigation or any proximity with the alleged incident and the date of death of the daughter of the complainant. Without there being any cause for abetment to suicide, the charge sheet is filed by the Police only to assuage the family of the deceased. He would submit that the issue in the *lis* stands answered by plethora of judgments rendered by the Apex Court and this Court, which clearly indicate that there must be goading, instigation or proximity to the date of commission of suicide. The learned counsel seeks quashment of proceedings on the aforesaid grounds.

7. *Per contra*, the learned counsel Smt. Raksha Keerthana appearing for respondent No.2 - complainant would vehemently refute the submissions by contending that all the necessary ingredients of Section 108 of the BNS are present in the case at hand. The petitioner who was already married and having two children wanted to develop relationship with the daughter of the complainant, now deceased. He took her to several places on the score that he would show temples, took some photographs of her on his phone and later threatened that he wants to marry her, notwithstanding his earlier marriage. He did not stop at that, but when a groom would come to see the daughter of the complainant for marriage, he would enter the scene, show the photographs and would inform the said groom that they had a relationship so that talks of marriage would break. This happened not once but twice. Being fed up of the threatening of the petitioner, the daughter of the complainant commits suicide. Therefore, the learned counsel submits that it is a matter of trial for the petitioner to come out clean in its full-blown form. She would also seek to place reliance upon certain judgments of the Apex Court and that of this Court seeking dismissal of the petition.

8. The learned High Court Government Pleader appearing for respondent No.1 – State would also toe the lines of the learned counsel for the complainant by placing records and contending that there is a clear case of the petitioner indulging in goading and instigation to the daughter of the complainant, which has led her commit suicide. Therefore, the petitioner should come out clean in a full-blown trial.

9. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

10. The afore-narrated facts is the case of the prosecution. The petitioner who is already married developed friendship with the daughter of the complainant. The friendship is said to have developed into proximate relationship and the petitioner is said to have forced the daughter of the complainant to love him and was obstructing her marriage whenever a groom would come to see the daughter of the complainant. He also projected that the daughter of the complainant had a relationship with the petitioner and, therefore, talks of marriage every time have broken. An incident is quoted in the complaint that when the daughter of the complainant

wanted to marry one _____, the petitioner calls him and tells him that he has an affair with the daughter of the complainant. The marriage talks broke. He did not stop at that instance but went on instigating the daughter of the complainant to love him and that he would marry her at some time and threatened her and stalked her by having some photographs of her. All these events led the daughter of the complainant committing suicide on 29-07-2025. After the death, the mother complained. The afore-narrated facts are not to be viewed as disconnected islands. At the stage at which the proceedings presently stand, what requires consideration is the cumulative picture projected by the complaint and the charge sheet. The complaint reads as follows:

“ರವರಿಗೆ

ಪೊಲೀಸ್ ಇನ್ಸ್ ಪೆಕ್ಟರ್,
ನಲಮಂಗಲ ಟೌನ್ ಪೊಲೀಸ್ ಠಾಣೆ,
ನಲಮಂಗಲ.

ಇಂದೆ

ಶ್ರೀಮತಿ ನೇತ್ರಾವತಿ ಕೋಂ ತಿಮ್ಮರಾಜು,
40 ವರ್ಷ, ಒಕ್ಕಲಿಗರು, ಕಣ್ಣ ಶಾಲೆಯಲ್ಲಿ ಆಯಾ ಕೆಲಸ,
ವಾಸ: ಕೇರ್ ಅಫ್ ರಮೇಶ್ ಬಿಲ್ಡಿಂಗ್, ವಿರೂಪಾಕ್ಷ ಲೇಔಟ್,
ನವಯುಗ ಟೋಲ್ ಹಿಂಭಾಗ, ನಲಮಂಗಲ ಟೌನ್.
ಮೊಬೈಲ್ ನಂ.7022722574, dk8078615@gmail.com

ನಾನು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತೇನೆ. ನನ್ನ ಸ್ವಂತ ಉರು ಗುಡ್ಡೇನಹಳ್ಳಿ, ಅಗಲವಾಡಿ ಹೋಬಳಿ, ಗುಬ್ಬಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ಆಗಿದ್ದು. ನಾನು ನಿಟ್ಟೂರು ಹೋಬಳಿ ಗ್ಯಾರಹಳ್ಳಿ ಗ್ರಾಮದ ನಮ್ಮ ಅಕ್ಕ ಕಮಲಮ್ಮ ಕೋಂ ಶಿವಣ್ಣ ರವರ ಇಬ್ಬರೂ ಮಕ್ಕಳು 1ನೇ ಭಾವನಾ, 22 ವರ್ಷ ಮತ್ತು ತಿಲಕ್ 19 ವರ್ಷ ಇಬ್ಬರೂ ನಮ್ಮ ಮನೆಯಲ್ಲಿ ಇದ್ದುಕೊಂಡು ಭಾವನಾ ತುಮಕೂರಿನ ಶ್ರೀದೇವಿ ಆಸ್ಪತ್ರೆಗೆ ನರ್ಸಿಂಗ್ ಕೆಲಸಕ್ಕೆ ಹೋಗುತ್ತಿದ್ದು ತಿಲಕ್ ಬಿಡದಿಯಲ್ಲಿ ಇಂಜಿನಿಯರಿಂಗ್ ಮಾಡಿಕೊಂಡಿರುತ್ತಾನೆ. ಭಾವನಾ ಮೈಸೂರಿನಲ್ಲಿ ನರ್ಸಿಂಗ್ ಓದುತ್ತಿದ್ದಾಗ ಭಾವನಾ ನವರ ತಂದೆ ಗ್ಯಾರಹಳ್ಳಿಯ ಗಂಗರಾಜು ರವರ ಮಗ ನವೀನ ಎಂಬವರ ಮೊಬೈಲ್ ನಿಂದ ಮಗಳಿಗೆ ಫೋನ್ ಹೇ ಮಾಡಿಸುತ್ತಿದ್ದರು. ಈ ಮೂಲಕ ನವೀನ ಭಾವನಾಳೊಂದಿಗೆ ಸ್ನೇಹ ಬೆಳೆಸಿಕೊಂಡು ನನ್ನನ್ನು ಲವ್ ಮಾಡು, ಮದುವೆ ಮಾಡಿಕೊಳ್ಳೋಣ ಎಂದು ಒತ್ತಾಯ ಮಾಡುತ್ತಿದ್ದನು. ಅವಳು ಕೆಲಸಕ್ಕೆ ಹೋಗಿ ಬರುವಾಗ ಅವಳಿಗೆ ಸಿಕ್ಕಿ ತಾನು ಕರೆದ ಕಡೆ ಬರುವಂತೆ ತನ್ನನ್ನು ಲವ್ ಮಾಡುವಂತೆ ಬಲವಂತ ಮಾಡುತ್ತಿದ್ದು. ಭಾವನಾಳನ್ನು ಪುಸಲಾಯಿಸಿ ಅವರ ಸ್ನೇಹಿತರ ಜೊತೆ ಧರ್ಮಸ್ಥಳಕ್ಕೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಅಲ್ಲಿ ತನ್ನ ಜೊತೆ ಅಸಭ್ಯವಾಗಿ ನಡೆದುಕೊಂಡನು ಕೆಲವು ಪೋಟೋಗಳನ್ನು ಒಟ್ಟಿಗೆ ಇರುವಾಗ ತೆಗೆದುಕೊಂಡಿದ್ದಾನೆ ಅಂತ ಹೇಳಿಕೊಂಡಿದ್ದಳು. ನಾನು ಭಾವನಾಳಿಗೆ ಆಗಿದ್ದು ಆಯಿತು ಇನ್ನೂ ಮುಂದೆ ಅವನ ಸಹವಾಸ ಬೇಡ ಅಂತ ಹೇಳಿ ಬುದ್ಧಿ ಹೇಳಿದ್ದನು. ಅದರಂತೆ ನನ್ನ ಮಗಳು ಭಾವನಾ ಅವಳ ಪಾಡಿಗೆ ಅವಳು ಇದ್ದಳು. ಭಾವನಾ ದಿನಾಂಕ:05/07/2025 ರಂದು ಯಾವುದೋ ಮಾತ್ರಗಳನ್ನು ಸಾಯಲೆಂದು ನುಂಗಿದ್ದು ನೆಲಮಂಗಲದ ಅಮೃತಾ ಆಸ್ಪತ್ರೆಗೆ ಸೇರಿಸಿ ಚಿಕಿತ್ಸೆ ಕೊಡಿಸಿ ಉಳಿಸಿಕೊಂಡೆವು. ಆಗ ನಾನು ಮನೆಗೆ ನರ್ಸನ ಅಕ್ಕ, ಭಾವ ಶಿವಣ್ಣ, ನನ್ನ ತಮ್ಮ ಓಂಕಾರ್ ಮೂರ್ತಿ ರವರನ್ನು ಕರೆಸಿ ಅವರ ಎದುರಿನಲ್ಲಿಯೇ ಭಾವನಾಳನ್ನು ಕೇಳಿದಾಗ ಭಾವನಾಳು ನವೀನನು ನನ್ನನ್ನು ಕೆಲಸ ಮಾಡುವ ಆಸ್ಪತ್ರೆಯ ಹತ್ತಿರ ಹಿಂಬಾಲಿಸುವುದು, ಬೈಕ್ ನಲ್ಲಿ ಬರುವಂತೆ ಒತ್ತಾಯ ಮಾಡುವುದು ಮದುವೆಯಾಗುವಂತೆ ಪೀಡಿಸುವುದು, ನಾನು ಹೇಳಿದಂತೆ ಕೇಳಿ ಸುಖ ಕೊಡದಿದ್ದರೆ ನಿನ್ನ ಜೊತೆ ತೆಗೆಸಿಕೊಂಡಿರುವ ಪೋಟೋಗಳನ್ನು ವೈರಲ್ ಮಾಡುತ್ತೇನೆ. ನಿನ್ನನ್ನು ಬೇರೆ ಯಾರು ಮದುವೆಯಾಗುತ್ತಾರೆ ಅಂತ ಹೆದರಿಸುತ್ತಾನೆ. ಇದರಿಂದ ನನಗೆ ದಿಕ್ಕು ತೋಚದೆ ಸಾಯಲೆಂದು ಮಾತ್ರ ತೆಗೆದುಕೊಂಡೆ ಎಂದು ಹೇಳಿದಳು. ಆದರೆ ನಾವು ಆ ಸಮಯದಲ್ಲಿ ಭಾವನಾಳ ಮುಂದಿನ ಭವಿಷ್ಯ ಮದುವೆ ದೃಷ್ಟಿಯಿಂದ ಈ ವಿಚಾರವನ್ನು ದೊಡ್ಡದು ಮಾಡದೇ ತುಮಕೂರು ಜಿಲ್ಲೆ ಚೇಳೂರು ಪೊಲೀಸ್ ಸ್ಟೇಷನ್ ನಲ್ಲಿ ನವೀನನ ಮೇಲೆ ಕಂಪ್ಲೆಂಟ್ ಕೊಟ್ಟೆವು. ಆಗ ನಮ್ಮೂರಿನ ಹಿರಿಯರಾದ ಸೂರಗೇನಹಳ್ಳಿ ಸಿದ್ದಪ್ಪ, ಬಸವರಾಜು, ಜಯಣ್ಣ, ಬಸವಣ್ಣ, ನಾಗಣ್ಣ ಇನ್ನೂ ಮುಂತಾದವರು ನವೀನನ ಅಪ್ಪ ಗಂಗರಾಜು ರವರನ್ನು ಕರೆಸಿ ನಮ್ಮ ಮುಂದೆ ನವೀನನಿಗೆ ಇನ್ನೂ ಮುಂದೆ ಭಾವನಾ ತಂಟೆಗೆ ಹೋಗದಂತೆ ಬುದ್ಧಿವಾದ ಹೇಳಿದರು. ನಮಗೆ ಕಂಪ್ಲೆಂಟ್ ವಾಪಸ್ ತೆಗೆದುಕೊಳ್ಳಲು ಹೇಳಿದರು. ನಾವು ಕಂಪ್ಲೆಂಟ್ ವಾಪಸ್ ತೆಗೆದುಕೊಂಡೆವು. ಇದಾದ ಮೇಲೂ ಭಾವನಾ ನವೀನನಿಂದ ನನ್ನ ಮಾರ್ಯದೆ ಹೋಯಿತು ನನ್ನನ್ನು ಬೇರೆ ಯಾರೋ ಮದುವೆಯಾಗುತ್ತಾರೆ ಇಡೀ ಉರಿಗೆ ಗೊತ್ತಾಗುವಂತೆ ಮಾಡಿದ ನನಗೆ ಸಾಯದೇ ಬೇರೆ ವಿಧಿಯಿಲ್ಲ ಅಂತ ಗೋಳಾಡುತ್ತಿದ್ದಳು. ನನ್ನ ಹತ್ತಿರ ನಾವು ಈ ಹಿಂದೆ ರಂಜಿತ್ ಎಂಬವರೊಂದಿಗೆ ಮದುವೆ ಫಿಕ್ಸ್ ಆದಾಗ ರಂಜಿತನಿಗೆ ನವೀನನೇ ಫೋನ್ ಮಾಡಿ ನಮ್ಮಿಬ್ಬರಿಗೂ ಸಂಬಂಧಯಿದೆ ಅಂತ ಹೇಳಿದ್ದರಿಂದಲೇ ಮದುವೆ ನಿಂತು ಹೋಯಿತು ಅಂತ ಹೇಳಿಕೊಂಡು ಮುಂದೆಯೂ ಸಹ ನವೀನ ತೊಂದರೆ ಕೊಡುತ್ತಾನೆ ಅಂತ ಹೇಳಿಕೊಂಡಿದ್ದಳು ಹೀಗೆ ನವೀನನು ಭಾವನಾಳನ್ನು ಬಲವಂತವಾಗಿ ಪ್ರೀತಿಸುವಂತೆ ಒತ್ತಾಯ ಮಾಡುತ್ತಿದ್ದರಿಂದ, ಅವಳೊಂದಿಗೆ ತೆಗೆಸಿಕೊಂಡ ಕೆಲವು ಪೋಟೋಗಳನ್ನು ಇಟ್ಟುಕೊಂಡು ಮದುವೆಗೆ ಅಡ್ಡಿಪಡಿಸುತ್ತಿದ್ದರಿಂದ ಸಮಾಜದಲ್ಲಿ

ಮಾರ್ಯದಗೆ ಧಕ್ಕೆ ತಂದಿದ್ದು ಈತನ ಈ ಕೆಲಸವು ನನ್ನ ಅಕ್ಕನ ಮಗಳು ಭಾವನಾ ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಳ್ಳಲು ಪ್ರಚೋದನೆ ನೀಡಿದ ಕಾರಣದಿಂದಲೇ ದಿನಾಂಕ:29/07/2025 ರಂದು ಮಧ್ಯಾಹ್ನ ಸುಮಾರು 03.30 ಗಂಟೆ ಸಮಯದಲ್ಲಿ ನಮ್ಮ ಮನೆಯ ರೂಮಿನಲ್ಲಿ ಫ್ಯಾನ್ ಗೆ ವೇಲ್ ನಿಂದ ನೇಣು ಹಾಕಿಕೊಂಡು ಮೃತಪಟ್ಟಿರುತ್ತಾಳೆ. ಈ ವಿಚಾರ ನಾನು ಸ್ಕೂಲಿನಲ್ಲಿದ್ದ ಕೆಲಸದಲ್ಲಿದ್ದಾಗ ಭಾವನಾಳ ತಮ್ಮ ತಿಲಕ್ ವಿಚಾರ ತಿಳಿಸಿದ್ದು. ನಾನು ಮನೆಗೆ ಬಂದು ನೋಡಿ ಬಾಗಿಲನ್ನು ಕಾರ್ಪೆಂಟರ್ ಸಹಾಯದಿಂದ ಹೊಡೆಯಿಸಿ, ಭಾವನಾಳನ್ನು ಕೆಳಗೆ ಇಳಿಸಿದಾಗ ಅವಳು ಮೃತಪಟ್ಟಿದ್ದಳು. ಮೃತದೇಹವನ್ನು ಅವರ ಉರಿಗೆ ತೆಗೆದುಕೊಂಡು ಹೋಗಿ ಅವರ ತಂದೆ ತಾಯಿಗೆ ತೋರಿಸಿದ್ದು. ಅವರು ನಮ್ಮ ಮಗಳು ಭಾವನಾಳ ಸಾವಿಗೆ ನವೀನನೇ ಕಾರಣ ಅವನ ಮೇಲೆ ಕಂಪ್ಲೆಂಟ್ ಕೊಡಬೇಕು ಎಂದು ಮೃತ ದೇಹವನ್ನು ತುಮಕೂರು ಆಸ್ಪತ್ರೆಗೆ ಸಾಗಿಸಿದೆವು. ಭಾವನಾಳ ಸಾವಿಗೆ ಕಾರಣನಾದ ನವೀನ ಬಿನ್ ಗಂಗರಾಜು, ಗ್ಯಾರೇಹಳ್ಳಿ ರವರ ವಿರುದ್ಧ ಕಾನೂನು ರೀತಿ ಕ್ರಮ ಜರುಗಿಸಬೇಕೆಂದು ಕೋರುತ್ತೇನೆ. ನಾನು, ಭಾವನಾಳ ತಂದೆ, ತಾಯಿಗೂ ವಿಚಾರ ತಿಳಿಸಿ ಮೃತದೇಹವನ್ನು ತುಮಕೂರು ಜಿಲ್ಲಾ ಆಸ್ಪತ್ರೆ ಸಾಗಿಸಿ ತಡವಾಗಿ ಬಂದು ದೂರು ನೀಡಿರುತ್ತೇನೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ಸಹಿ/-“

10.1. The Police conduct investigation and file a charge sheet against the petitioner, the summary of which reads as follows:

“17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ಕಲಂ 75, 78, 108 ಬಿ ಎನ್ ಎಸ್

ಪ್ರಕರಣದಲ್ಲಿನ ಮೃತ ಭಾವನ ಈ ದೋಷಾರೋಪಣಪಟ್ಟಿಯ ಸಾಕ್ಷಿ-2 ಮತ್ತು 3 ರವರ ಮಗಳಾಗಿದ್ದು, ಈ ದೋಷಾರೋಪಣಪಟ್ಟಿಯ ಆರೋಪಿತನು ಮೃತಳ ಫೋನ್ ನಂಬರ್ ಪಡೆದುಕೊಂಡು, ಅಕೆಯ ಜೊತೆಯಲ್ಲಿ ಸ್ನೇಹ ಬೆಳೆಸಿ, ನನ್ನನ್ನು ಲವ್ ಮಾಡು, ಮದುವೆ ಮಾಡಿಕೊಳ್ಳೋಣೆಂದು ಒತ್ತಾಯ ಮಾಡಿ ಮೃತ ಭಾವನಳನ್ನು ಸ್ನೇಹಿತರ ಜೊತೆಯಲ್ಲಿ ಪುಸಲಾಯಿಸಿ ಧರ್ಮಸ್ಥಳಕ್ಕೆ ಕರೆದುಕೊಂಡು ಹೋಗಿದ್ದಾಗ ಒಟ್ಟಿಗೆ ಇರುವ ಫೋಟೋವನ್ನು ತೆಗೆಸಿಕೊಂಡು, ಇದನ್ನೆ ಇಟ್ಟುಕೊಂಡು ಅಕೆಗೆ ಹೆದರಿಸಿ, ಕೆಲಸ ಮಾಡುವ ಆಸ್ಪತ್ರೆಯ ಹತ್ತಿರ ಹಿಂಬಾಲಿಸುವುದು, ಬೈಕ್ ನಲ್ಲಿ, ಬರುವಂತೆ ಒತ್ತಾಯ ಮಾಡುವುದು, ಮದುವೆಯಾಗುವಂತೆ ಪೀಡಿಸುವುದು, ನಾನು ಹೇಳಿದಂತೆ ಸುಖ ಕೊಡದಿದ್ದರೆ ಫೋಟೋ ವೈರಲ್ ಮಾಡುತ್ತೇನೆ ಎಂದು ಹೆದರಿಸಿದ್ದ ವಿಚಾರವಾಗಿ ಮನನೊಂದು ಭಾವನ ಘನ ನ್ಯಾಯಾಲಯ ವ್ಯಾಪ್ತಿಯ ನೆಲಮಂಗಲ ಟೌನ್, ವೀರುಪಾಕ್ಷ ಲೇಔಟ್, ನವಯುಗ ಟೋಲ್ ಹಿಂಭಾಗದಲ್ಲಿರುವ ತನ್‌ನ ವಾಸದ ಮನೆಯಲ್ಲಿ ಮಾತ್ರಗಳನ್ನು ನುಂಗಿ ಸಾಯಲು ಪ್ರಯತ್ನಿಸಿದ್ದು, ಸಾಕ್ಷಿ-1 ಮತ್ತು, 4 ರವರು ಅಕೆಯನ್ನು ನೆಲಮಂಗಲ ಅಮೃತ್ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಚಿಕಿತ್ಸೆ ಕೊಡಿಸಿ ಗುಣಮುಖ ಮಾಡಿದ್ದು, ಈ ವಿಚಾರದಲ್ಲಿ ಚೇಳೂರು ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ದೂರು ದಾಖಲಾಗಿ, ಸಾಕ್ಷಿ-6, 7 ಮತ್ತು 8 ರವರು ಆರೋಪಿತನಿಗೆ ಭಾವನಳ ತಂಟೆ

ತಕರಾರಿಗೆ ಹೋಗುವಂತೆ ಬುದ್ಧಿವಾದ ಹೇಳಿ ರಾಜಿ ಮಾಡಿದ್ದು, ಆರೋಪಿತನು ತನ್ನ ಚಾಳಿಯನ್ನು ಮುಂದುವರೆಸಿ, ಭಾವನಳಿಗೆ ಮದುವೆ ಮಾತುಕತೆ ಸಮಯದಲ್ಲಿ ಮದುವೆ ಮಾಡಿಕೊಳ್ಳುವ ಹುಡುಗನಿಗೆ ಇಲ್ಲಾ ಸಲ್ಲದ ಆರೋಪ ಹೇಳಿ ಮದುವೆ ಮಾತುಕತೆ ನಿಲ್ಲುವಂತೆ ಮಾಡಿ ಭಾವನಳಿಗೆ ಕಿರುಕುಳ ನೀಡುತ್ತಿದ್ದು, ಆರೋಪಿಯ ಮುಂದಿನ ದಿನಗಳಲ್ಲಿ ತನ್ನ ಬಳಿ ಇದ್ದ ಪೋಷೋವನ್ನು ತೋರಿಸಿ ಬಲವಂತವಾಗಿ ಪ್ರೀತಿಸುವಂತೆ ಒತ್ತಾಯ ಮಾಡಿ ನನ್ನ ಮದುವೆಗೆ ಅಡ್ಡಿಯಾಗಿ ಗ್ರಾಮದಲ್ಲಿ, ಮಾನ ಮರ್ಯಾದೆಗೆ ಧಕ್ಕೆ ಬಂದಿದ್ದು, ಆರೋಪಿತನ ಕಿರುಕುಳದಿಂದ ಪ್ರಜೋದನೆಗೆ ಒಳಗಾಗಿ ದಿನಾಂಕ:29.07.2025 ರಂದು ಮಧ್ಯಾಹ್ನ 3-30 ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ಘನ ನ್ಯಾಯಾಲಯ ವ್ಯಾಪ್ತಿಯ ನೆಲಮಂಗಲ ಟೌನ್, ವಿರುಪಾಕ್ಷ ಲೇಔಟ್, ನವಯುಗ ಟೋಲ್ ಹಿಂಭಾಗದಲ್ಲಿರುವ ತನ್ನ ವಾಸದ ಮನೆಯ ರೂಂನಲ್ಲಿ ವೇಲ್ ಬಟ್ಟೆಯಿಂದ ಫ್ಯಾನ್ ಗೆ ನೇಣು ಹಾಕಿಕೊಂಡು ಮೃತಪಟ್ಟಿರುತ್ತಾಳೆ. ಆರೋಪಿತನು ಮೇಲ್ಕಂಡ ಕಲಂ ಅಡಿಯಲ್ಲಿ ಕೃತ್ಯವೆಸಗಿರುವುದು ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿರುವುದರಿಂದ ಆರೋಪಿಯ ವಿರುದ್ಧ ಈ ದೋಷಾರೋಪಣೆಪಟ್ಟಿ.

ನಿವೇದನೆ: ಪ್ರಕರಣದಲ್ಲಿ ಮೃತಳ ಬಾಬು ಮೊಬೈಲ್ ಫೋನ್ ರಿಟ್ರೀವ್ ಮಾಡಿಸಿ, ಪರೀಕ್ಷೆಗಾಗಿ ಎಫ್.ಎಸ್.ಎಲ್ ಗೆ ಕಳುಹಿಸಿದ್ದು, ವರದಿ ಪಡೆದು ಪ್ರಕರಣದಲ್ಲಿ ಹೆಚ್ಚಿನ ಸಾಕ್ಷಾದಾರರು ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಸಲ್ಲಿಸಿಕೊಳ್ಳಲು ಘನ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಕಲಂ 193(9) ಬಿ.ಎನ್.ಎಸ್.ಎಸ್ ರೀತ್ಯಾ ಅನುಮತಿ ನೀಡಲು ಘನ ನ್ಯಾಯಾಲಯದಲ್ಲಿ, ಕೋರಿದೆ.”

(Emphasis added at each instance)

The fulcrum of the complaint and the summary of the charge sheet are that, the petitioner, a married man, is alleged to have befriended the deceased and thereafter insisted that friendship blossom into a relationship of his choosing. The deceased is said to have resisted. Resistance, however, allegedly did not bring the pursuit to an end. She was followed, pressured to accompany him, compelled to accept his proposal of marriage and threatened with circulation of photographs if she refused to yield. More importantly, the petitioner is alleged to have stationed himself as an obstacle at the threshold of every matrimonial prospect of the deceased.

Whenever a prospective groom appeared, the petitioner allegedly intervened to proclaim that the deceased was in a relationship with him, thereby ensuring that the matrimonial negotiations collapsed.

11. One such incident is specifically narrated in relation to Ranjith. The petitioner is alleged to have telephoned him and asserted that he had an affair with the deceased, resulting in the proposal being called off. The allegations, therefore, do not portray a momentary outburst. **They portray, *prima facie*, a continuing course of conduct. The deceased had earlier attempted to end her life by consuming tablets on 05-07-2025. She survived. The family intervened. The Police were approached. Elders counselled the petitioner to desist from troubling her. Yet, according to the charge sheet, the conduct continued. Barely a few weeks thereafter, on 29-07-2025, the deceased ended her life by hanging.** It is against this factual backdrop that the offences alleged against the petitioner require consideration.

12. The offences alleged are the ones punishable under Sections 75, 78 and 108 of the BNS. They read as follows:

"75. Sexual harassment.—(1) A man committing any of the following acts—

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or**
- (ii) a demand or request for sexual favours; or**
- (iii) showing pornography against the will of a woman; or**
- (iv) making sexually coloured remarks,**

shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

... ..

78. Stalking.—(1) Any man who—

- (i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or**
- (ii) monitors the use by a woman of the internet, e-mail or any other form of electronic communication,**

commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it proves that—

- (i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or**

- (ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
- (iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

...

...

...

108. 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."

Sections 75 and 78 of the BNS deal with sexual harassment and stalking respectively. The allegations, if accepted as they presently stand, *prima facie* bring the conduct complained of within the contours of those provisions. The allegation is of repeated pursuit notwithstanding disinterest, insistence upon personal interaction, coercive demands and the use of photographs as an instrument of threat. At this stage, therefore, this Court cannot hold that the ingredients of Sections 75 and 78 are altogether absent.

13. What then remains, and what forms the fulcrum of the controversy, is **Section 108 of the BNS—abetment of suicide. Section 108 cannot be read in isolation. Its soul lies in Section 45 of the BNS, which defines abetment. Instigation, conspiracy or intentional aid are the statutory pathways through which an act becomes abetment.**

13.1. Section 45 of the BNS reads as follows:

“45. Abetment of a thing.—A person abets the doing of a thing, who—

- (a) instigates any person to do that thing; or**
- (b) 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**
- (c) 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.

Illustration

A, a public officer, is authorised by a warrant from a court to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

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.”

Section 45 of the BNS deals with abetment. Any person who abets commission of any act would become open for punishment for the offence punishable under that provision of law. **The necessary ingredients for an offence punishable under Section 108 of the BNS is, there must be instigation, goading and proximity, which leaves the victim with no other option but to commit suicide.** All the three are present in the case at hand. **The petitioner is said to have instigated the victim to marry him or forcibly fall in love with him and stopped her marriage with any person by making calls to those grooms who want to marry the daughter of the complainant. With all these projections the character of the daughter of the complainant got tarnished in the Society, which left the victim with no choice but to commit suicide.**

JUDICIAL LANDSCAPE:

14. Jurisprudence is replete with the judgments of the Apex Court considering what would become the ingredients of abetment to suicide. I deem it appropriate to notice a few. The Apex Court in the case of **RAJEEV KOURAV v. BAISAHAB**¹, has held as follows:

"....

6. The High Court summoned the record of investigation and perused the statements recorded by the appellant and his family members under Section 161 CrPC. The High Court held that statements recorded under Section 161 CrPC would show that Respondent 1 is a quarrelsome lady who has threatened the appellant's family of false implication in a criminal case. The High Court observed that none of the persons whose statements under Section 161 CrPC were recorded have mentioned about the complaint of the deceased and that she was thinking of committing suicide due to the harassment of Respondents 1 to 3. The High Court recorded a finding that Ramsharan Kourav, the uncle of the deceased, has stated in his statement under Section 161 that the deceased informed him that she is unable to bear the torture of Respondents 1 to 3 and was thinking of putting an end to her life.

7. The High Court observed that the allegations made against Respondents 1 to 3 at the most constitute an offence under Section 506 IPC for criminal intimidation. Read as a whole, the allegations made against Respondents 1 to 3 did not make out an offence under Sections 306/34 IPC. The High Court further held that ingredients of Section 107 IPC are also not satisfied. In that view, the petition filed by Respondents 1 to 3 for quashing the criminal proceeding was allowed.

8. It is no more res integra that exercise of power under Section 482 CrPC to quash a criminal proceeding is

¹(2020) 3 SCC 317

only when an allegation made in the FIR or the charge-sheet constitutes the ingredients of the offence/offences alleged. Interference by the High Court under Section 482 CrPC is to prevent the abuse of process of any court or otherwise to secure the ends of justice. It is settled law that the evidence produced by the accused in his defence cannot be looked into by the court, except in very exceptional circumstances, at the initial stage of the criminal proceedings. It is trite law that the High Court cannot embark upon the appreciation of evidence while considering the petition filed under Section 482 CrPC for quashing criminal proceedings. It is clear from the law laid down by this Court that if a prima facie case is made out disclosing the ingredients of the offence alleged against the accused, the Court cannot quash a criminal proceeding.

9. Mr Shoeb Alam, learned counsel appearing for Respondents 1 to 3, relied upon several judgments of this Court to submit that allegations only disclose a case of harassment meted out to the deceased. The ingredients of Sections 306 and 107 IPC have not been made out. It is submitted that there is nothing on record to show that the respondents have abetted the commission of suicide by the deceased. **He further argued that abetment as defined under Section 107 IPC is instigation which is missing in the complaint made by the appellant. He further argued that if the allegations against Respondents 1 to 3 are not prima facie made out, there is no reason why they should face a criminal trial.**

10. We do not agree with the submissions made on behalf of Respondents 1 to 3. **The conclusion of the High Court to quash the criminal proceedings is on the basis of its assessment of the statements recorded under Section 161 CrPC. Statements of witnesses recorded under Section 161 CrPC being wholly inadmissible in evidence cannot be taken into consideration by the Court, while adjudicating a petition filed under Section 482 CrPC [Rajendra Singh v. State of U.P., (2007) 7 SCC 378 : (2007) 3 SCC (Cri) 375] .**

11. Moreover, the High Court was aware that one of the witnesses mentioned that the deceased informed him about the harassment meted out by Respondents 1 to 3 which she was not able to bear and hence wanted to commit suicide. **The High**

Court committed an error in quashing criminal proceedings by assessing the statements under Section 161 CrPC."

14.1. The Apex Court in the case of **MAHENDRA K.C. v. STATE OF KARNATAKA**², has held as follows:

"....

16. On reading the judgment [*L. Bheema Naik v. State of Karnataka*, 2020 SCC OnLine Kar 3395] of the Single Judge, it would appear that the Single Judge has failed to notice the distinction between a petition for quashing under Section 482 (which was being considered) and a criminal trial or an appeal against a conviction on a charge under Section 306. The Single Judge has transgressed the limits of the jurisdiction under Section 482 CrPC. The judgment is replete with hypotheses and surmises on the basis of which the Single Judge has reached an inference on facts. The Single Judge has tested the veracity of the allegations in the criminal complaint and in the suicide note left behind by the deceased without having the benefit of an evidentiary record which would be collected during the trial. **At the stage when the High Court considers a petition for quashing under Section 482 CrPC, the test to be applied is whether the allegations in the complaint as they stand, without adding or detracting from the complaint, prima facie establish the ingredients of the offence alleged. At this stage, the High Court cannot test the veracity of the allegations nor for that matter can it proceed in the manner that a Judge conducting a trial would, on the basis of the evidence collected during the course of trial.** The High Court in the present case has virtually proceeded to hold a trial, substituting its own perception for what it believed should or should not have been the normal course of human behaviour. This is clearly impermissible.

17. The complaint in the present case on the basis of which the FIR was registered contains a detailed account of:

- (i) The knowledge of the deceased in regard to the illegal activities of the accused;

²(2022) 2 SCC 129

- (ii) The accused having used the deceased's bank account for transfer of funds to his relatives;
- (iii) The deceased having been threatened by the accused and by his "house car driver" with death; and
- (iv) The recovery of the suicide note which was also uploaded on the Facebook account of the deceased.

The suicide note in turn provides a detailed account of—

- (a) The wealth amassed by the second respondent-accused who was an SLAO, worth over Rs 100 crores;
- (b) The second respondent-accused having converted approximately Rs 100 crores into currency notes of various denominations;
- (c) The knowledge of the deceased with respect the illegal activities of the accused;
- (d) The accused having used the deceased for the conversion of currency notes amounting to over Rs 75 crores;
- (e) The payment of the salary of the deceased, who was a driver having been stopped for three months;
- (f) A threat of murder being administered to the deceased following a shortage in the currency; and
- (g) The deceased having decided to end his life by consuming poison, having suffered at the hands of the accused.

18. In this backdrop, it is impossible on a judicious purview of the contents of the complaint and the suicide note for a judicial mind to arrive at a conclusion that a case for quashing the FIR had been established. In arriving at that conclusion, the Single Judge has transgressed the well-settled limitations on the

exercise of the powers under Section 482 CrPC and has encroached into a territory which is reserved for a criminal trial.

19. The High Court has the power under Section 482 to issue such orders as are necessary to prevent the abuse of legal process or otherwise, to secure the ends of justice. The law on the exercise of power under Section 482 to quash an FIR is well-settled. In *State of Orissa v. Saroj Kumar Sahoo* [*State of Orissa v. Saroj Kumar Sahoo*, (2005) 13 SCC 540 : (2006) 2 SCC (Cri) 272] , a two-Judge Bench of this Court, observed that : (SCC pp. 547-48, para 8)

"8. ... While exercising the powers under the section, the court does not function as a court of appeal or revision. Inherent jurisdiction under the section though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is to be exercised ex debito justitiae to do real and substantial justice for the administration of which alone the courts exist. Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent abuse. It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers the court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the report, the court may examine the question of fact. When a report is sought to be quashed, it is permissible to look into the materials to assess what the report has alleged and whether any offence is made out even if the allegations are accepted in toto."

20. These principles emanate from the decisions of this Court in *State of Haryana v. Bhajan Lal* [*State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] and *State of M.P. v. Surendra Kori* [*State of M.P. v. Surendra Kori*, (2012) 10 SCC 155 : (2012) 4 SCC (Civ) 921 : (2013) 1 SCC (Cri) 247 : (2012) 2 SCC (L&S) 940] . In *Surendra Kori* [*State of M.P. v. Surendra Kori*, (2012) 10 SCC 155 : (2012) 4 SCC (Civ) 921 : (2013) 1 SCC (Cri) 247 : (2012)

2 SCC (L&S) 940] , this Court observed : (*Surendra Kori case* [*State of M.P. v. Surendra Kori*, (2012) 10 SCC 155 : (2012) 4 SCC (Civ) 921 : (2013) 1 SCC (Cri) 247 : (2012) 2 SCC (L&S) 940] , SCC p. 163, para 14)

"14. The High Court in exercise of its powers under Section 482 CrPC does not function as a court of appeal or revision. This Court has, in several judgments, held that the inherent jurisdiction under Section 482 CrPC, though wide, has to be used sparingly, carefully and with caution. The High Court, under Section 482 CrPC, should normally refrain from giving a prima facie decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of wide magnitude and cannot be seen in their true perspective without sufficient material."

21. In *Bhajan Lal* [*State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , this Court laid down the principles for the exercise of the jurisdiction by the High Court in exercise of its powers under Section 482 CrPC to quash an FIR. Ratnavel Pandian, J. laid down the limits on the exercise of the power under Section 482 CrPC for quashing the FIR and observed : (SCC pp. 378-79, para 102)

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 CrPC which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) CrPC except under an order of a Magistrate within the purview of Section 155(2) CrPC.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) CrPC.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

The judgment in *Bhajan Lal* [*State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] has been recently relied on by this Court in *State of Telangana v. Managipet* [*State of Telangana v. Managipet*, (2019) 19 SCC 87 : (2020) 3 SCC (Cri) 702] .

22. Based on the above precedent, the High Court while exercising its power under Section 482 CrPC to quash the FIR instituted against the second respondent-accused should have applied the following two tests : (i)

whether the allegations made in the complaint, prima facie constitute an offence; and (ii) whether the allegations are so improbable that a prudent man would not arrive at the conclusion that there is sufficient ground to proceed with the complaint. Before proceeding further, it is imperative to briefly discuss the law on the abetment of suicide to determine if a prima facie case under Section 306 IPC has been made out against the respondent-accused.

23. Section 306 IPC provides for punishment of the abetment of suicide:

"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."

Section 107 IPC defines the expression "abetment":

"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."

24. The essence of abetment lies in instigating a person to do a thing or the intentional doing of that thing by an act or illegal omission. In *Ramesh Kumar v. State of Chhattisgarh* [*Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 SCC 618 : 2002 SCC (Cri) 1088] , a three-Judge Bench of this Court, speaking through R.C. Lahoti, J. (as the learned Chief Justice then was), observed : (SCC p. 629, para 20)

"20. 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. The present one is not a case 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 been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."

25. A two-Judge Bench of this Court in *Chitresh Kumar Chopra v. State (NCT of Delhi)* [*Chitresh Kumar Chopra v. State (NCT of Delhi)*, (2009) 16 SCC 605 : (2010) 3 SCC (Cri) 367] , speaking through D.K. Jain, J., observed : (SCC pp. 611-12, paras 19-20)

"19. As observed in *Ramesh Kumar* [*Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 SCC 618 : 2002 SCC (Cri) 1088] , where the accused by his acts or by a continued course of conduct creates such circumstances that the deceased was left with no other option except to commit suicide, an "instigation" may be inferred. In other words, in order to prove that the accused abetted commission of suicide by a person, it has to be established that:

(i) the accused kept on irritating or annoying the deceased by words, deeds or wilful omission or conduct which may even be a wilful silence until the deceased reacted or pushed or forced the deceased by his deeds, words or wilful omission or conduct to make the deceased move forward more quickly in a forward direction; and

(ii) that the accused had the intention to provoke, urge or encourage the deceased to commit suicide while acting in the manner noted above. Undoubtedly, presence of mens rea is the necessary concomitant of instigation.

20. In the background of this legal position, we may advert to the case at hand. The question as to what

is the cause of a suicide has no easy answers because suicidal ideation and behaviours in human beings are complex and multifaceted. Different individuals in the same situation react and behave differently because of the personal meaning they add to each event, thus accounting for individual vulnerability to suicide. Each individual's suicidality pattern depends on his inner subjective experience of mental pain, fear and loss of self-respect. Each of these factors are crucial and exacerbating contributor to an individual's vulnerability to end his own life, *which may either be an attempt for self-protection or an escapism from intolerable self.*"

(emphasis in original)

26. This has been reiterated in the decision in *Amalendu Pal v. State of W.B.* [*Amalendu Pal v. State of W.B.*, (2010) 1 SCC 707 : (2010) 1 SCC (Cri) 896] , where it has been observed : (SCC p. 712, para 12)

"12. ... 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 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, conviction in terms of Section 306 IPC is not sustainable."

(See also in this context the judgments in *Praveen Pradhan v. State of Uttaranchal* [*Praveen Pradhan v. State of Uttaranchal*, (2012) 9 SCC 734 : (2013) 1 SCC (Cri) 146] , *VajinathKondibaKhandke v. State of Maharashtra* [*VajinathKondibaKhandke v. State of Maharashtra*, (2018) 7 SCC 781 : (2018) 3 SCC (Cri) 362] , *M. Arjunan v. State* [*M. Arjunan v. State*, (2019) 3 SCC 315 : (2019) 2 SCC (Cri) 219] , *Ude Singh v. State of Haryana* [*Ude Singh v. State of Haryana*, (2019) 17 SCC 301 : (2020) 3 SCC (Cri) 306] , *Rajesh v. State of Haryana* [*Rajesh v. State of Haryana*, (2020) 15 SCC 359 : (2020) 4 SCC (Cri) 75] and *Gurcharan Singh v. State of Punjab* [*Gurcharan Singh v. State of Punjab*, (2020) 10 SCC 200 : (2021) 1 SCC (Cri) 417] . These decisions have been recently referred to in the judgment of this Court in *Arnab Manoranjan Goswami v. State of Maharashtra* [*Arnab Manoranjan Goswami v. State of Maharashtra*, (2021) 2 SCC 427 : (2021) 1 SCC (Cri) 834]).

27. While adjudicating on an application under Section 482 CrPC, the High Court in the present case travelled far away from the parameters for the exercise of the jurisdiction. **Essentially, the task before the High Court was to determine whether the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety did or did not prima facie constitute an offence or make out a case against the accused.**

28. Instead of applying this settled principle, the High Court has proceeded to analyse from its own perspective the veracity of the allegations. It must be emphasised that this is not a case where the High Court has arrived at a conclusion that the allegations in the FIR or the complaint are so absurd and inherently improbable on the basis of which no prudent person could ever reach a just conclusion that there is sufficient ground for proceeding against the accused. Nor is this a case where the criminal proceeding is manifestly mala fide or has been instituted with an ulterior motive of taking vengeance on the accused. On the contrary, the specific allegations in the FIR and in the complaint find due reflection in the suicide note and establish a prima facie case for abetment of suicide within the meaning of Sections 306 and 107 IPC. The entire judgment [*L. Bheema Naik v. State of Karnataka*, 2020 SCC OnLine Kar 3395] of the High Court consists of a litany of surmises and conjectures and such an exercise is beyond the domain of proceeding under Section 482 CrPC. The High Court has proceeded to scrutinise what has been disclosed during the investigation, ignoring that the investigation had been stayed by an interim order of the High Court, during the pendency of the proceedings under Section 482.

29. The High Court observed that a prima facie case for the commission of offence under Section 306 IPC is not made out since : (i) the suicide note does not describe the specific threats; (ii) details of the alleged demand of Rs 8 lakhs from the deceased by the respondent-accused are not set out in the suicide note; and (iii) no material to corroborate the allegations detailed in the suicide note has been unearthed by the

investigating agency. The High Court observed that since the deceased took considerable time to write a twelve page suicide note, "it would have been but natural for the author to set out the details". The High Court has evidently travelled far beyond the limits of its inherent power under Section 482 CrPC since instead of determining whether on a perusal of the complaint, a prima facie case is made out, it has analysed the sufficiency of the evidence with reference to the suicide note and has commented upon and made strong observations on the suicide note itself.

30. Paras 32, 33, 34 and 39 of the order [*L. Bheema Naik v. State of Karnataka*, 2020 SCC OnLine Kar 3395] of the High Court are extracted below : (*L. Bheema Naik case* [*L. Bheema Naik v. State of Karnataka*, 2020 SCC OnLine Kar 3395] , SCC OnLine Kar)

"32. In Para 21 [of the suicide/death note] [**Ed.** : As per para 31 of the impugned judgment of the High Court in *L. Bheema Naik case*, it is recorded as follows:"... The deceased has written a detailed death note consisting of 21 numbered and one unnumbered paragraphs. Out of 22 paragraphs, 20 paragraphs pertain to alleged dealings and the only probable portion of the death note, which could be relied upon to establish the culpability of the petitioner are Para 21...."] , a bald statement is made stating that because he is aware of all the above transaction, he was given a death threat. In the next sentence, he states that he has been psychologically/emotionally in trouble and hence, he is consuming poison and that the petitioner and his driver alone are responsible. For a person, who has detailed 20 transactions, it can be prudently expected of such a person to give details of the threat.

33. In the next unnumbered paragraph, a totally different story/note is set out as a reason for the petitioner threatening the deceased. In the unnumbered paragraph, he states that there was shortage in the cash to the tune of Rs 8 lakhs and that the petitioner suspected him as being responsible for the same and hence, threatened him that if the deceased did not repay said Rs 8 lakhs, he would have the deceased killed at the hands of rowdies. Thereafter, in the next sentence he states that in view of the same, he has decided to consume poison and that the petitioner and his driver are responsible for the same.

34. In Para 20 [of the suicide/death note], the deceased holds the petitioner responsible for withholding the salary for the last three months. The other paragraphs including Para 20 [of the suicide/death note] detail the properties said to have been amassed by the petitioner and other illegal transactions. After having perused and scrutinised the death note, a query was put to the learned High Court Government Pleader and the counsel appearing on behalf of 2nd respondent as to whether the investigation has thrown up any material that corroborates any of the allegations set out in the death note. The learned High Court Government Pleader would fairly submit that they have not been able unearth any material to corroborate any of the allegations.

39. As discussed above, the death note contains no incriminating statement or material except for a bald and vague statement but that the accused had threatened him. Even the complaint does not disclose any details of the alleged threat nor does the complaint state that the deceased had on multiple occasions complained of having received threats from accused. Even the allegation of the demand for repayment of Rs 8 lakhs rings hollow as neither the prosecution nor the de facto complainant have been able to place an iota of material that the deceased was or had in fact been in possession of huge sum of money."

Further, the observation of the High Court that there is no material to corroborate the allegations made in the suicide note is erroneous since it is not a consideration for the High Court while exercising its power under Section 482 CrPC, particularly in view of the fact that the trial has not begun and the Single Judge had stayed the investigation in the criminal complaint.

31. The Single Judge, other than deciding on the merits of the case while exercising the power under Section 482 CrPC, has also made observations diminishing the importance of mental health. The mental health of a person cannot be compressed into a one-size-fits-all approach. In para 37 of the impugned judgment [*L. Bheema Naik v. State of Karnataka*, 2020 SCC OnLine Kar 3395] , the Single Judge observed : (*L.*

Bheema Naik case [L. Bheema Naik v. State of Karnataka, 2020 SCC OnLine Kar 3395] , SCC OnLine Kar)

"37. It is not the case of the deceased that the accused had deprived him of his wealth or have committed acts that have shattered his hopes in life or separated him from his family and friends."

The Single Judge then makes the following observation in paras 41 and 43 : (*L. Bheema Naik case [L. Bheema Naik v. State of Karnataka, 2020 SCC OnLine Kar 3395] , SCC OnLine Kar)*

"41. ... It is not the case of the prosecution that the deceased was running away from or escaping the petitioner or his henchmen, but as is his habit, to visit his parents and to spend time with his friends. If the deceased had really felt threatened, he would have definitely approached the police. It is not that he was naive or not worldly-wise. If his employment with the petitioner was true, then the Police Commissionerate was only a stone's throw away. It is not that the deceased was a weakling. The deceased by profession, is a driver. A profession where, accidents causing loss of life and limb are a daily occurrence and every driver is aware that he could be involved in an accident at any time.

43. His act of attending a relatives marriage in a different town and his interacting with friends and relatives are all actions of a normal person and not of a person under severe duress. The contention that this criminal case would jeopardise his career progression also cannot be brushed aside. It is also not forthcoming as to how he sourced the poison."

32. The Single Judge has termed a person who decided to commit suicide a "weakling" and has also made observations on how the behaviour of the deceased before he committed suicide was not that of a person who is depressed and suffering from mental health issues. Behavioural scientists have initiated the discourse on the heterogeneity of every individual and have challenged the traditional notion of "all humans behave alike". Individual personality differences manifest as a variation in the behaviour of people. Therefore, how an individual copes up with a threat—both physical and emotional, expressing (or refraining to express) love, loss, sorrow and happiness, varies greatly in view of the multi-faceted nature of the human mind and

emotions. Thus, the observations describing the manner in which a depressed person ought to have behaved deeply diminishes the gravity of mental health issues.

33. The High Court by its order [L. Bheema Naik v. State of Karnataka, 2020 SCC OnLine Kar 3395] has prevented the completion of the investigation in the complaint registered as Crime No. 565 of 2016 pending on the file of the IInd Additional Civil Judge (Junior Division) and JMFC Court, Maddur, Mandya District. The alleged suicide is of a person who was working as a driver of a Special Land Acquisition Officer, who is a public servant and against whom serious and grave allegations of amassing wealth disproportionate to the known sources of income were made by the deceased. The suicide note contains a detailed account of the role of the accused in the events which led to the deceased committing suicide. These are matters of investigation and possibly trial. The High Court stalled the investigation by granting an interim order of stay. If the investigation had been allowed to proceed, there would have been a revelation of material facts which would aid in the trial, for the alleged offence against the second respondent."

14.2. The Apex Court in the case of **SHAKUNTALA DEVI v. STATE OF UTTAR PRADESH**³, has held as follows:

" "

8. The most relevant statement for consideration is that of PW-3, Sandeep Kumar, younger brother of the deceased who was aged around 17 years at the time of incident and was with the deceased in the days leading up to the incident. He has stated that on 01.05.1998, he had accompanied his deceased sister to her matrimonial home and stayed with her for the following days. It has been stated by him that on the day of the incident, in the forenoon of 04.05.1998, his deceased sister had cooked rice and the appellant abused the deceased about the way

³2025 SCC OnLine SC 952

the rice was cooked, then threw the food cooked by the deceased. Thereafter, on the same day again at about 4.30/5.00 p.m., the appellant-accused abused the deceased. At the time, there was no one else in the house except PW-3, the deceased and the accused. Thereafter, PW-3 was sent by the accused to call Raju. When PW-3 came back to her sister's house, he saw that the accused was shouting that her daughter-in-law, i.e. the deceased, had consumed something. Then, the appellant along with three other persons carried the deceased to the hospital while PW-3 was asked to stay back at the house and was not allowed to accompany his sister. PW-3 further deposed that when his brother-in-law and other persons came back from the hospital, they told him that his sister has died.

9. It has been noted by the Trial Court that this young witness of 17 years has narrated the entire facts in a very natural way. This fact has not gone unnoticed by us as well as that PW-3 has given an account of events in a very natural manner that does not seem exaggerated or untruthful in any manner. In fact, the said witness has also been very honest about his lack of knowledge regarding the administration of poison to his sister and has clearly stated that he was not an eyewitness to the exact act and, thus, has made no statement unnecessarily alleging that the accused herself had administered such poison to the deceased which caused her death. There is an element of honesty and fairness in PW-3's statement throughout which lends it much credibility.

10. Additionally, it must be noted that on a conjoint reading of the statements of PW-1 and PW-2 as well as the FIR wherein PW-1 was the complainant, it becomes apparent that the family members of the deceased have been very precise in their allegations against the appellant. Beginning from the point of registration of the FIR and throughout the course of trial, it has been stated across that it was solely the mother-in-law of the accused, i.e. the appellant herein, who used to physically and verbally abuse the deceased with regard to demand for dowry. The specific demand that was made by the accused time and

again has also remained the same throughout all the statements. It is one of the rare cases where the complainant has displayed honesty while making the allegations and has not unnecessarily implicated other family members of the husband of the deceased by making omnibus allegations against all of them, which is usually the adopted tactic in cases of similar nature. Even the husband of the deceased has not been roped in as a co-accused. This reflects on the overall conduct of the prosecution, which has been unusually fair and honest and, in the facts and circumstances of the case, there is no reason to disbelieve the prosecution story.

11. The jurisprudence regarding the offence of abetment to suicide under Section 306 of the IPC is settled that the offence requires an active act or omission which led the deceased to commit suicide, and this act or omission must have been intended to push the deceased into committing suicide. The facts of the case make it abundantly clear that the deceased was repeatedly tortured and abused by the accused on account of dowry demand to the extent that the deceased had to return to her parental home seeking refuge. It was only on the assurance of her parents that the deceased went back to her matrimonial home hoping that the events would take an upturn once her parents have returned from the wedding and settle the matter of dowry with the appellant-accused. However, the abuses hurled at the deceased by the appellant on the day of the incident, i.e. 04.05.1998, unfortunately acted as a straw that broke the camel's back and led her to committing suicide. Therefore, given the factual matrix, the guilt of the appellant under Section 306 of the IPC has been proved beyond reasonable doubt."

14.3. In the latest judgment of the Apex Court, rendered in the case of **ABHINAV MOHAN DELKAR Vs. THE STATE OF MAHARASHTRA & ORS.**⁴, has held as follows:

"22. What comes out essentially from the various decisions herein before cited is that, **even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, 'the straw that broke the camel's back'; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.**

23. The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the

⁴ 2025 SCC OnLine SC 1725

true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306.

24. We have already seen that even a rebuke to “go, kill yourself”; often a rustic expression against distasteful conduct, cannot by itself be found to have the ingredients to charge an offence of abetment to suicide. **There is no uniformity in how different individuals respond and react under pressure. Many stand up, some fight back, a few runaway and certain people crumble and at times take the extreme step of suicide. To put the blame on the pressure imposed and the person responsible for it, at all times, without something more to clearly discern an intention, would not be the proper application of the penal provisions under Section 306.**

(Emphasis supplied at each instance)

In the case of **RAJEEV KOURAV v. BAISAHAB** *supra*, the Apex Court cautioned that where the material *prima facie* discloses the ingredients of the offence, the High Court cannot embark upon appreciation of evidence and terminate the prosecution at its threshold.

15. The principle receives even greater emphasis in the case of **MAHENDRA K.C. v. STATE OF KARNATAKA**. The Apex Court held that proceedings under Section 482 of the Cr.P.C. cannot be transformed into a trial before the trial. The veracity of allegations,

the weight to be attached to the material and the ultimate inference to be drawn therefrom, are all the matters reserved for evidence at trial.

16. The law on abetment, undoubtedly, insists upon something more than mere harassment. There must be instigation, intentional aid or conduct from which the requisite *mens rea* and nexus can legitimately be inferred. But whether such intention ultimately stands proved beyond reasonable doubt, is a question entirely different from whether the charge-sheet material, taken at face value, makes out a case requiring trial.

THE CASE AT HAND:

17. Tested on the anvil of the aforesaid principles, the case at hand cannot be characterised as one where the allegations are bereft of the ingredients of abetment. This is not a case of one angry word spoken in the heat of a moment. It is not a case of an isolated quarrel followed, after a considerable hiatus, by suicide. Nor is it a case where the accused is sought to be prosecuted merely because he happened to figure somewhere in the emotional landscape of the deceased. The allegations travel much farther.

18. The petitioner is alleged to have pursued the deceased despite her unwillingness; compelled her to accept his advances; threatened to circulate photographs; followed her to her workplace; interfered with her matrimonial prospects; contacted prospective grooms and caused marriage negotiations to collapse. The deceased had already attempted suicide once. That attempt was known. The family intervened. Elders intervened. A complaint was lodged and later withdrawn on an assurance that the petitioner would desist. Yet, the prosecution alleges, he did not desist.

19. If these allegations ultimately stand proved, the earlier attempt to suicide assumes considerable significance. It was a warning written in unmistakable terms. The allegation is that, despite such warning, the petitioner persisted with the very conduct that had earlier driven the deceased to the brink. The Court cannot, at this stage, put each allegation into a separate compartment and ask whether that act, standing alone, was sufficient to cause suicide. Criminal culpability in a case of this nature may lie in the cumulative force of the conduct alleged.

20. **The complaint and the charge sheet, if read as a whole, *prima facie* depict the deceased being progressively cornered—her refusal allegedly ignored, her privacy threatened, her workplace invaded by pursuit, her matrimonial prospects repeatedly sabotaged and her apprehension that she would not be permitted to lead a life independent of the petitioner allegedly reinforced by his continued conduct.** Whether every one of these allegations is true, is not for this Court to decide today. Whether the petitioner possessed the requisite *mens rea* is a matter that must emerge from evidence. Whether there exists an unbroken causal nexus between his alleged conduct and the suicide, is again a matter for trial.

21. The distinction must remain clear: **the Court today is not declaring the petitioner guilty; it is only declining to declare the prosecution groundless.**

22. **In the considered view of this Court, the material on record *prima facie* projects all three facets relevant to the controversy—instigation, goading and proximity. The alleged instigation lies in the continuing coercive course of**

conduct; the goading lies in its persistence despite resistance and even an earlier attempt at suicide; and the proximity lies in the continuation of the alleged harassment into the period preceding the ultimate act.

23. The allegations as they presently stand, presents a classic illustration of why the extraordinary jurisdiction of this Court must sometimes exercise restraint rather than intervention. The inherent power under Section 528 of the BNSS is undoubtedly wide, but width of power is not an invitation to width of interference. It exists to prevent abuse of process and secure the ends of justice; it cannot itself become an instrument to stifle a prosecution, which discloses a *prima facie* case requiring adjudication on evidence.

24. The life of a young woman has come to an abrupt end. The prosecution alleges that, before that end came, there was a sustained trail of pursuit, coercion, intimidation and interference with her freedom to choose the course of her own life. Whether that trail ultimately leads to the petitioner, is a matter for the trial Court to determine upon evidence. This

Court cannot erase the trail before the evidence is permitted to speak. The petitioner must, therefore, face the trial and come out clean in its full-blown form.

25. Finding no merit in the petition, the petition stands **rejected.**

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

NVJ
CT: MJ