

Reserved on :25.04.2026
Pronounced on :05.08.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 05TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.17375 OF 2025

BETWEEN:

SMT. KAVITHA MURTHY
W/O K.SHIVA KUMAR MURTHY,
AGED ABOUT 49 YEARS,
RESIDING AT NO.11, 4TH MAIN ROAD,
DURGA LAYOUT, VIDYARANYAPURA,
BENGALURU – 560 097.

... PETITIONER

(BY SMT.SHWETHA NAIK, ADVOCATE FOR
SRI DHANANJAY KUMAR, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
BY BENGALURU RURAL RAILWAY PS,
YASHWANTHAPUR
BENGALURU – 560 232
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.
- 2 . SRI MANJAPPA,
PRESIDENT, SOUNDARYA SCHOOL,



AGED MAJOR
 HAVANUR EXTENSION,
 HESARAGHATTA MAIN ROAD,
 NAGASANDRA POST,
 BENGALURU – 574 141.

- 3 . SMT. CHINNAMMA
 PRINCIPAL,
 AGED MAJOR,
 SOUNDARYA SCHOOL,
 HAVANUR EXTENSION,
 HESARAGHATTA MAIN ROAD,
 NAGASANDRA POST,
 BENGALURU – 560 073.
- 4 . SMT. AKSHATHA,
 AGED MAJOR,
 WORKING AS SCIENCE TEACHER,
 SOUNDARYA SCHOOL,
 HAVANUR EXTENSION,
 HESARAGHATTA MAIN ROAD,
 NAGASANDRA POST,
 BENGALURU – 560 073.
- 5 . SMT. SHUBO DAS,
 AGED MAJOR,
 WORKING AS MATHS TEACHER,
 SOUNDARYA SCHOOL,
 HAVANUR EXTENSION,
 HESARAGHATTA MAIN ROAD,
 NAGASANDRA POST
 BENGALURU – 560 073.

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1;
 SRI S.RAJASHEKAR, ADVOCATE FOR R-2 TO R-5)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO SET ASIDE THE ORDER DATED 03.05.2025 PASSED IN CRIME NO.26/2023 REGISTERED BY BENGALURU RURAL RAILWAY POLICE STATION, YESHWANTHPUR POLICE, BY THE HON'BLE XLI ADDL.CMM, BENGALURU FOR THE OFFENCES P/U/S 306, 34 OF IPC AND THEREBY REJECT THE B REPORT FILED BY THE RESPONDENT POLICE.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 25.04.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

The petitioner/complainant is before the Court calling in question an order dated 03-05-2025 passed by the XLI Additional Chief Judicial Magistrate, Bengaluru in Crime No.26 of 2023, which accepts the 'B' report and closes the proceedings for the offences under Section 306 read with 34 of the IPC.

2. Heard Smt. Shwetha Naik, learned counsel appearing for the petitioner, Sri B.N. Jagadeesha, learned State Public Prosecutor-I appearing for respondent No.1 and Sri S. Rajashekar, learned counsel appearing for respondent Nos.2 to 5.

3. Facts, in brief, germane are as follows: -

3.1. The petitioner is the complainant. The daughter of the complainant secures admission in Soundarya School, Hesaraghatta, where she was studying in 9th standard. On 17-02-2022, at about 5.40 a.m., the complainant wakes and calls for the daughter to ask her to get ready to go to school; but the daughter was not in the house. This fact is informed to her husband and the petitioner goes to office. The husband later informed the petitioner that their daughter's school bag was still in the house and that she had not boarded the school van. The complainant then called the class teacher to enquire if her daughter had reached the school. But, the class teacher informed that the daughter of the complainant had not reached the school and the examination was about to begin. On 17-02-2022 itself, the complainant goes to Bagalkunte Police Station to file a missing person complaint. On the same day, it appears that the body of the daughter of the complainant was found by a loco pilot between Yeshwanthpur and Chikkabanavara railway stations. As per the mahazar, the victim/deceased was struck by a moving train going from Yeshwanthpur to Tumkur and

she had died by commission of suicide. The police register an unnatural death report in UDR No.35 of 2022. The body of the deceased was taken to the hospital for other examinations. It is then, the Officer in-charge of the Police Station recognizes the deceased from the photo shown to him and takes the complainant to the mortuary at M.S. Ramaiah Hospital. It is then the complainant comes to know that her daughter had died.

3.2. The Police then searched the house and room of the daughter of the complainant and found a death note written in a book. The death note indicated that marks are not everything and drew the names of accused Nos.2 and 3, the Principal and the class-teacher, respectively, and classmates of the victim and further indicated that the complainant's daughter hated them. The deceased in the death note also asks her parents to adopt a child and take care of their health. The death note was then sent to forensic examination. The FSL report was received on 01-02-2023, which indicates that it was the hand writing of the victim/daughter. It is then in the month of February, 2023 a complaint was sought to be registered for abetment to suicide. It was denied to be

registered. The complainant then files a complaint before the Human Rights Commission on the score that the Police did not take any action. It is then the complaint is taken on 20-03-2023 and a crime comes to be registered in Crime No.26 of 2023 for the offence punishable under Section 306 read with 34 of the IPC. The police conduct investigation and file a 'B' report. The 'B' report holds that the allegations against the Principal of the school or the teachers are not proved. The complainant then files a protest petition narrating the instances of harassment by the Principal of the school and the teachers. The protest petition was accepted and 'B' report was rejected by the concerned Court by directing further investigation into the matter, by a different Investigating Officer. The Superintendent of Police then appoints another Investigating Officer of a different jurisdiction to conduct investigation. The said Investigating Officer files a 'B' report yet again on 18-06-2024. This is projected to be the second 'B' report. On 16-10-2024, the complainant files protest petition against the said second 'B' report. The protest petition is rejected by the concerned Court and the second 'B' report is accepted by an order dated 05-03-2025. It is

this that is called in question by the complainant/mother of the deceased in this petition seeking rejection of the B-report.

4. The learned counsel appearing for the petitioner would vehemently contend that the Police right from the outset did not conduct the investigation in a manner known to law. The Police have mechanically filed 'B' reports without conducting proper investigation on both the occasions. The crime was registered only after the complainant approached the higher authorities and the Human Rights Commission. The statements of the parents of the victim were not even recorded by the Police. The Police did not record the statement of class-mates or the teachers of the deceased victim. The Police failed to investigate electronic gadgets of the victim despite her using the computer before her death. The Police ought to have investigated into the call data records of the class teacher/accused No.3 since her name was mentioned in the death note. The body of the deceased was not taken to the Government Hospital but to a private Hospital. No re-investigation worth the name was conducted in the case. The concerned Court directed the Superintendent of Police to appoint a different

Investigating Officer to conduct fresh investigation. However, no fresh investigation is conducted. Therefore, the 'B' report filed by the Police ought to have been rejected by the concerned Court and cognizance should have been taken on the afore-quoted offence.

5. Respondent Nos.2 to 5 - management and teachers of the school, though need not be heard in the matter, have been made parties. It is the vehement submission of Sri S. Rajashekar, learned counsel appearing for the management and the teachers of the school that the complaint itself was filed with a delay of one year after the incident. There is no allegation against respondent Nos.2 to 5. The complaint was filed on the ground that the teachers had not taken any action against the alleged instances of harassment. Learned counsel would submit that the 'B' Report so filed and the order accepting the 'B' Report would warrant no interference.

6. Learned State Public Prosecutor-I would submit that the offence under Section 305 of the IPC - abetment to suicide of a child ought to have been invoked in the case at hand.

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

8. The afore-narrated facts, link in the chain of events, dates and time are all a matter of record. They would not require any reiteration. The daughter of the complainant dies by committing suicide, which was not even known to the parents. They only come to know when the complainant seeks to register a missing complaint before the jurisdictional police. It is then, recognizing the photographs, the complainant was taken to the mortuary of M.S. Ramaiah Hospital to identify the body. All this happened on 17-02-2022. For one year what did the complainant do is required to be noticed. The death note was found at the house, particularly in the room of the victim. The death note was sent to FSL. The issue was languishing at the FSL for a long time. It is the case of the petitioner that she and her husband had approached and followed up with the jurisdictional Police seeking to find out the status of the FSL report. The petitioner is also said to have approached higher authorities. Finally, report was given by FSL on

01-02-2023 confirming that the hand-writing found on the death note was that of the victim. It is then, the family of the complainant takes efforts to register the complaint. The complainant, mother of the victim goes to the Police Station seeking to register the complaint. The complaint was denied to be registered on the score that it was filed after a year from the date of the incident and did not have any merit. The complainant and her husband then filed a complaint on 07-03-2023 before the Human Rights Commission against the jurisdictional Police for not taking action. These are all matters of record and would not require separate iteration. After approaching the Human Rights Commission and officers of the higher rank, the complaint comes to be registered on 20-03-2023. The complaint reads as follows:

"From,

Smt.Kavitha Murthy,
W/o K.Shiva Kumar Murthy,
No.11, 4th Main, Durga Layout,
Vidyaranyapura, Bangalore - 560 097.
Mobile 7624895125 / 9449010420

To,

The Police Sub Inspector,
Yeshwanthpur Railway Police Station,
Bangalore - 5600

Sir,

Sub: Death of my daughter Kum.Ramya Murthy
K.S., on February 17, 2022.

Ref: UDR NO.35 registered as per your records.

With reference to the above subject, myself Kavitha Murthy working as a teacher in MEC Public School, Yelahanka and my Husband Shivakumar residing at the above address are giving complaint and state hereby as follows:

My daughter was born on 12th January 2007 at Manipal Northside Hospital, Malleshwaram, Bengaluru 560 003.

She Studied from pre nursery to 6th Standard at Ashoka International Public School, Kammagondanahalli, Jalahalli West, Bengaluru-560015.

During her studies in Ashoka International Public School, she was consistently scoring A/A+ in her exams. Participated in all school functions and activities. There was no complaint from teachers and school management. She completed her 6th standard schooling peacefully. (her school records, photos, certificate are proof of the same)

Since she had the ambition to become Advocate, we got her admitted in Soundarya School, Havnoor Extension, Hessarghatta Main Road, Nagasandra Post, Bangalore – 560 073, since the school has high School and College, being in the same school she can finish schooling and college smoothly.

From day one of joining the said school, my daughter used to tell teachers were finding niggling faults in her studies. She was also being side-lined in many of the school functions, activities. but still she scored A grade in her 7th & 8th standard in state syllabus Later she was promoted to 9th std and principal and management urges her to join the CBSE syllabus as they wanted to start from 2021-2022 academic year. School Management selected children who study well and wanted CBSE BOARD affiliation. They have another school fully CBSE syllabus (Soundarya Central School, 2nd Main Road, Prakruthi Layout, Soundarya Layout, Sidedahalli,

Bangalore – 560 093. They asked my daughter because I and my husband were supportive to school and was always concerned about. When she came home and asked, we said it's your choice you can opt which language you want to take. She also agreed for change.

During her regular classes, her maths teacher Miss Shubodas and Kannada teacher kept taunting and sparking sarcastically. There were only four students who were in her class. **She felt she could concentrate and would get individual attention, but her classmates were jealous as she used to complete all work in time and participate in activities, they used to avoid her snub her she did not bother much after class,** she would come home be with me always I was her best friend, and she would share everything that had happened in school.

During the initial months (May 2021-August 2021), she was attending online classes and used to go to school occasionally.

During August 2021 she refused to go to school as her Teacher Smt. Akshatha, Science Teacher (Mentioned in her death note) told something vulgar words.

I went to school and talked to Principal, Class Teacher Akshatha and told not to speak rudely to her as she is a soft character.

I Spoke to her and told will change school. Approached another school but was denied admission since this was middle of the academic year. Spoke to her and pacified her to go to school for this year and next year will change the school.

I am a member of Human Rights Organization rendering social service during covid times. I used to render social service in nearby areas of the said school. I received a Certificate for my dedicated work. The school management was aware of this.

Between September 2021 and December 2021 went to school. She told that the school management has objected her bring snacks (bakery items) to school instead of bring lunch which is affecting other children, they said because of you school reputation will be spoilt. these words kept taunting her. This was also highlighted

in the media (TV News & Newspaper). Actually my daughter has habit of eating hot food in home after she comes home and she did not like lunch to be packed in a small box and there was no comfort zone to eat in school. School had canteen where children were not allowed to go.

Her Maths teacher Miss Shubodas commented if you are unable to pay fees and not able to solve the sums given, why come to school eat our head. this hurt her thinking she was a burden.

She told that she has been side lined by teachers on many occasions. her teachers would intimate her about functions in school, but eventually she would be side line. her teachers always take her the principal Chinnamma where she speaks in rough tone. We parents have not spoken to her rudely. as she was responsible girl, we were not harsh or rude. she was well educated talented.

She said that she was being harassed by her class mates. When she was absent any notes or test given in class were not shared by her classmates and they avoided her call & messages. **There was a north Indian girl called Ishitha Singh(mentioned in Death Note) her parents stitch uniform for the said school. Ishitha Singh had boyfriend. She saved his number as my daughter's brother. Ramya's Brother. This matter came to the notice of Ishitha Singh's father. her father called to my mobile number. My daughter answered the call. he told "Hey Ramya call your brother". My daughter replied that she did not have brothers. He spoke to my daughter in filthy language. My daughter gave the phone to me and I spoke what is the matter. he still spoke in filthy language and cut the call. Next day when my daughter went to school, Ishitha Singh's father scolded her and my daughter and Ishitha wanted my daughter to get scoldings in school kept telling false complaints about her to class teachers. Ishitha Singh took my mobile number and gave it to another boy asked him to do pranks with my daughter. When she shared the incident with me, I immediately blocked the number. Later her class mates bullied her regularly. This made her not to go to class and felt shamed. She kept telling I don't want to go to school. We didn't force her, but myself as a**

teacher I explained situation, comforted her said if you don't like to study also fine but attend classes for this year only, next day she would get up and to go to school with new hope.

I went to school again and told principal not to speak harshly, not to harass her in front of all children. I told again to speak softly to my daughter. **She regularly takes bath, put deo & scent, and goes to school, but due to her body odour she sweats a lot. her Principal Chinamma once commented to my daughter "Do you take bath and wash your clothes, you are smelling badly". she is grown up girl and comments like this hurt her badly.**

In January 2022 again refused go to school. She celebrated her birthday on 12th January (Last birthday) by visiting an Orphanage. she distributed books, cut her birthday cake served lunch to children.

Mid January 2022 after covid vaccination fell sick. did not go to school for 2 weeks. But was attending online classes.

February 2022 refused to go to school and write exam. I said to study at home revise and any doubt I would clarify.

Talked about it and told will change school and told to write exam even if she fails. I said no problem you are a strong girl who never gives up so easily for studies. but only thing is that if she goes to school her class teachers would have again taken her to principal for silly reasons and upset my daughter mood. she didn't want to see her classmates face. all these incidents forced my daughter to take this extreme step.

February 17 first day of the exam

Early morning my Husband came to home from office at 3.00 AM.

He saw her sitting at Computer desk writing on note book he did not speak. he said as she usually studies At 4.30 A.M. he told her to take rest for three hours since it is exam (in a little raised voice, as normally parents would do)

And he went to sleep he thought daughter also came behind him to sleep. then I don't know what happened. Usually I keep alarm but phone had switched off and I got late by 5:40A.M. When I saw time it was late. I finished all house work and went to room to wake daughter. she was not there in bed by 6:30 A.M. I thought she must have gone to walk to nearby temple side. she might come because it was maths test, she must have been tensed. I waited and left to my school. This is not first time, my daughter goes to walk. it was her usual routine. sometimes she does yoga in terrace. Later at 7.45 AM, school van comes picks her up at home. she is the first pickup and last drop. sometimes my Husband drops her to school if she misses the school by van.

After reaching my school, I called home several times to my husband mobile number to talk to my daughter. but no one picked up the call at 8.30 again when I called, my husband picked the call. I asked whether she had gone to school, my husband said no, and her bag tiffin box is still at home. I told my husband to call van driver and van driver said he has not picked her. My husband told me to call the teacher. when I called the class teacher, she said she did not come to school. I got tensed told my husband to search for her in nearby places. Meanwhile, I told my husband that I will take permission from my school and come back.

My husband left home searching for her in nearby At 9 a.m. I came back from my school, took an auto and went searching for her.

At 10.45 I called my husband. he told me he could not find her and asked me. I also told that I could not find her. I told my husband that I am going to Bagalgunte police station to file a missing complaint.

At 11.00 went to police station to file missing complaint.

At 11.30am, I called my husband and told police are asking to accompany me with them to ramiah hospital as the photo given by me to them matches to one of the photos with them.

I went with them to Ramiah hospital. My husband came a little latter. Police took us to Mortuary where we identified her body.

Yeshwanthpur Railway Police personnel who were present conducts an oral enquiry with me and Husband.

At 3.00 pm Yeshwanthpur Railway Police personnel police personnel along with my husband went home and searches.

They find death note in one of her note book. takes the death note along with her three note books and returns to police station.

At 5.00 pm returns home with dead body to finish rituals

Next day matter came in media (TV News, online)

One of my friend Yashswini who is a junior Advocate came next day. I Asked her to take care of legal formalities like visiting police station and other things.

A meeting was held in school between us and the school management along with Yashswini, junior Advocate, and the school management has denied any role in the incident. school management president Manjappa created a high drama by shedding crocodile tears and telling we have a lost a star performer of our school. Bagulgunte Police personnel were present in the meeting.

We were busy with rituals and were in shock and we were unable to speak anything for three months.

During 1st week of March Yashswini told us that school management called for meeting some where in a hotel. We refused and asked her to attend. what transpired between them in the meeting is unknown to us.

Later in evening, she came home and tells management has agreed to give one lakh as compensation. Take it or leave it and do whatever you want.

Shifted our residence and did not speak to Yashswini again or to school management.

As my health condition was very bad, my husband kept visiting Yeshwanthpur Railway Police for updates on case

September 2022, Vistra medical report came.

February 2023, FSL report of death note (handwriting) came School Management has alleged that our daughter is mentally weak. No mentally weak students will score A/A + marks, participate in various school functions, sports activities. during her 7 Years in Ashoka School, there has been no complaint against her. Only after admitting her in this school, trouble started. We felt we should admit our daughter to the said school, trouble because it had school and college and she was very much interested to become an Advocate just like her grandfather. so, we agreed in admitting her in the said school from Class 7

At times, even though we ate simple home food, whenever she wished to dine in expensive hotels, we obliged since she was at home during Covid times, we booked flight ticket (me and my daughter) to attend relation marriage in Udaipur. also we got her best wedding dress for the marriage ceremony. During her birthday she used to visit orphanage did Anna Dhanam Whatever was her wish we fulfilled it. I have done my best to raise her up, give all kinds of knowledge. I can only say bad management have eaten my daughter. my curse won't let them. school management are unfit to run the school.

During the meeting School Management (we never created any trouble or did anything undue during our visit) along with junior lawyer Yashswini, at the end of meeting the School Management President Mr. Manjappa casually asked my Husband's age. My husband replied 47 years. He replied in an evil smile saying that we can have one more child, what is the big deal. This was the most disgusting attitude of the School Management President Manjappa.

School management president Manjappa, School Principal Chinnamma, her class teacher especially Smt. Akshatha (science teacher), Smt. Shubodas (Math teacher) completely failed to do their duties and from time to time harassed our daughter on silly things from time to time.

they have no right to speak about payment of fees directly to my daughter.

School Principal or anyone has no right to question what our daughter eats during school breaks. it is her wish to eat what she likes. even when I went and informed her classmates bullying her, School kept silent, school management also tells that if they don't scold students how do they control them. yes, scold students to control students, but how much to scold, in what way to scold, in this aspect the school management miserably failed. because every child is different.

Instead of imparting education, school management bullied our daughter to take this extreme step.

We request you to take stringent action by registering a complaint against School principal Chinnamma, School management president Manjappa, Akshatha (science teacher), her class mates Ishitha Singh and Chaitra, they are caused to the death of our daughter.

Sd/-
Kavitha M,
(Mother of Ramya Murthy KS)"

(Emphasis added)

The narration in the complaint is that the victim was harassed by accused No.2, Principal and the school management for bringing bakery snacks to the school. The victim was told that reputation of the school would be tarnished and would be highlighted in the media. Accused No.4 was the mathematics teacher who is also said to have harassed the victim on the score that the victim has not

paid the school fee on time and has not solved the problems given to her in mathematics. The victim was side-lined during school functions and she was even spoken to in a rough tone. The deceased's classmate one Ishita Singh had given the victim's number to several people to prank her and bully her regularly. The further narration is that, the management claimed that the victim was mentally weak; however, she was a student who scored A and A+ marks and participated in school activities. Accused No.1 is said to have made comments to the complainant that what is the big loss in losing a child as they can have one more child.

9. The justification for delay also sprang in the complaint. The complaint was given only after receipt of the FSL report. The Police conduct investigation and file a 'B' report. The gist of the 'B' report is as follows:

" "

ಮೃತಳ ಮನೆಯ ಹತ್ತಿರ ಬೇಕರಿ ವ್ಯಾಪಾರ ಮಾಡುತ್ತಿರುವ ಶ್ರೀ. ಅನೀಶ್ ತಂದೆ ಕೃಷ್ಣಗೌಡ, 42 ವರ್ಷ ರವರನ್ನು ವಿಚಾರಣೆ ಮಾಡಲಾಗಿ, ಮೃತೆ ರಮ್ಯಾಮೂರ್ತಿ ಕೆ.ಎಸ್ ರವರು ನಮ್ಮ ಏರಿಯಾದಲ್ಲಿರುವ ಶಿವಕುಮಾರ ಮೂರ್ತಿ ಮತ್ತು ಶ್ರೀಮತಿ ಕವಿತಾ ಮೂರ್ತಿ ರವರ ಒಬ್ಬಳೇ ಮಗಳಾಗಿರುತ್ತಾಳೆ, ಶಿವಕುಮಾರ ರವರು ಟೈಪ್ ಆಫ್ ಇಂಡಿಯಾ ದಿನ ಪತ್ರಿಕೆಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದು, ಶ್ರೀಮತಿ ಕವಿತಾಮೂರ್ತಿರವರು ಶಿಕ್ಷಕಿಯಾಗಿರುತ್ತಾರೆ. ಗಂಡ ಹೆಂಡತಿ ಇಬ್ಬರೂ ಬೆಳಿಗ್ಗೆ, ಕೆಲಸಕ್ಕೆ ಹೋದರೆ ಸಂಜೆ ಮನೆಗೆ ಬರುತ್ತಾರೆ. ರಮ್ಯಾಮೂರ್ತಿಯು 1 ನೇ ತರಗತಿಯಿಂದ 6ನೇ ತರಗತಿವರೆಗೆ ಅಶೋಕ್ ಇಂಟರ್ ನ್ಯಾಷನಲ್ ಸ್ಕೂಲ್, ಕಮ್ಮಗೊಂಡನಹಳ್ಳಿ, ಬೆಂಗಳೂರಿನಲ್ಲಿ ವಿದ್ಯಾಭ್ಯಾಸವನ್ನು ಮಾಡಿರುತ್ತಾರೆ, 07ನೇ ತರಗತಿಯಿಂದ 09 ನೇ

ತರಗತಿಯವರೆಗೆ ಬಾಗಲುಗುಂಟೆಯಲ್ಲಿರುವ ಸೌಂದರ್ಯ ಸ್ಕೂಲ್ ನಲ್ಲಿ ವಿದ್ಯಾಭ್ಯಾಸವನ್ನು ಮಾಡುತ್ತಿರುತ್ತಾರೆ, ರಮ್ಯಾಮೂರ್ತಿರವರನ್ನು ಕರೆದುಕೊಂಡು ಹೋಗಲು ಪ್ರತಿದಿವಸ ವ್ಯಾನ್ ಬರುತ್ತಿದ್ದು, ಆಗ ರಮ್ಯಾ ಮೂರ್ತಿ ರೆಡಿಯಾಗಿ ಶಾಲೆಗೆ ಹೋಗುತ್ತಿದ್ದಳು. ರಮಾಮೂರ್ತಿ ನಮ್ಮ ಬೇಕರಿ ಆಗಾಗ್ಗೆ ಬರುತ್ತಿದ್ದು ಅವರಿಗೆ ಏನೂ ಬೇಕೋ ಅದನ್ನು ತೆಗೆದುಕೊಂಡು ಹೋಗುತ್ತಿದ್ದರು, ತಿಂಗಳಿಗೊಮ್ಮೆ ಅವರ ಅಮ್ಮನಾದ ಶ್ರೀಮತಿ ಕವಿತಾ ರವರು ಹಣವನ್ನು ಕೊಡುತ್ತಿದ್ದರು ತುಂಬಾ ಒಳ್ಳೆಯ ಹುಡುಗಿಯಾಗಿದ್ದಳು ಎಲ್ಲರೊಂದಿಗೂ ಅನೋನ್ಯವಾಗಿ ಮಾತನಾಡುತ್ತಿದ್ದಳು. ಆದರೆ ಇತ್ತೀಚೆಗೆ ಅವಳು ತುಂಬಾ ಸೈಲಂಟಾಗಿದ್ದು, ಏನೂ ಮಾತನಾಡುತ್ತಿರಲಿಲ್ಲ, ನಮಗೆ ತಿಳಿದಿರುವಂತೆ ದಿನಾಂಕ:16-02-2022 ರಂದು ರಮ್ಯಾಮೂರ್ತಿ ನಮ್ಮ ಬೇಕರಿಗೆ ಬಂದಿದ್ದು ಒಂದು ವೈಟ್ ಬೇಲ್ಡೂರಿ ತಿಂದು ಒಂದು ಸೆವನ್ ಅಪ್ ಜ್ಯೂಸ್ ಕುಡಿದು ಒಂದು ಕೇಕ್ ಮತ್ತು ಸಮೋಸಾ ತೆಗೆದುಕೊಂಡು ಹೋಗಿರುತ್ತಾಳೆ. ಮೃತ ರಮ್ಯಾಮೂರ್ತಿ ಕೆ,ಎಸ್ ರವರು ಬದುಕಿರುವಾಗ್ಗೆ, ನಮ್ಮ ಬೇಕರಿಯಲ್ಲಿ ತಿಂಡಿಗಳನ್ನು ತೆಗೆದುಕೊಂಡು ಹೋಗುತ್ತಿದ್ದು, ಇತ್ತೀಚೆಗೆ ತುಂಬಾ ಸೈಲಂಟಾಗಿದ್ದಳು, ರಮ್ಯಾಮೂರ್ತಿ ತನ್ನ ಯಾವುದೋ ವೈಯಕ್ತಿಕ ಸಮಸ್ಯೆಗಳಿಂದ ನೊಂದೋ ಅಥವಾ ಜೀವನದಲ್ಲಿ ಬೇಸತ್ತೋ ತನ್ನ ಸಮಸ್ಯೆಗಳನ್ನು ಬಗೆಹರಿಸಿಕೊಳ್ಳಲಾಗದೇ ಹಾಗೂ ಯಾರ ಹೇಳಿಕೊಳ್ಳಲಾಗದೇ ರೈಲುಗಾಡಿಗೆ ಸಿಕ್ಕಿ ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಂಡು ಮೃತಪಟ್ಟಿರ ಬಹುದಾಗಿರುತ್ತದೆ ಎಂದು ಹೇಳಿಕೆ ನೀಡಿರುತ್ತಾರೆ.

ದಿನಾಂಕ:05-05-2023ರಂದು ಪ್ರಕರಣದ ಮೃತ ರಮ್ಯಾಮೂರ್ತಿರವರ ಜೊತೆಯಲ್ಲಿ ವಿದ್ಯಾಭ್ಯಾಸ ಮಾಡುತ್ತಿದ್ದ ಇಶಿತಾ ಸಿಂಗ್ ರವರ ತಂದೆ ಶ್ರೀ, ಪ್ರವೀಣ್ ಸಿಂಗ್ ತಂದೆ ಶೇಷ ನಾಥಸಿಂಗ್, 42 ವರ್ಷ, ವಾಸ: ನಂ 120/88, 1ನೇ ಮಹಡಿ, ಲಕ್ಷ್ಮೀನಗರ, 3ನೇ ಮುಖ್ಯ ರಸ್ತೆ, ರವಿಕಿರೋಸ್ಕರ್ ಲೇಔಟ್, ಬೆಂಗಳೂರು ರವರನ್ನು ವಿಚಾರಣೆ ಮಾಡಿ ಹೇಳಿಕೆಯನ್ನು ಪಡೆಯಲಾಗಿ ನಮ್ಮ ಮಗಳು .ಸೌಧರ್ಯ ಶಾಲೆಯಲ್ಲಿ 9ನೇ ತರಗತಿಯಲ್ಲಿ ವಿದ್ಯಾಭ್ಯಾಸವನ್ನು ಮಾಡುತ್ತಿರುವಾಗ್ಗೆ ಒಂದು ನಂಬರಿನಿಂದ ನನ್ನ ಹೆಂಡತಿ ಶ್ರೀಮತಿರಂಜಿತಾಸಿಂಗ್ ರವರ ಮೊಬೈಲ್ ನಂ. 9741369136 ಗೆ ಫೋನ್ ಮಾಡಿ ಇಶಿತಾಸಿಂಗ್ ಬಗ್ಗೆ ಕೇಳುತ್ತಿದ್ದ ನನ್ನ ಪತ್ನಿ ಫೋನ್ ಮಾಡಿದರೆ ವಾಪಸ್ ಮಾತನಾಡುತ್ತಿರಲಿಲ್ಲ. ಹಾಗೂ ನೋಟ್ಸ್ ಕೊಡುವಂತೆ ಮೇಸೇನ್ ಸಹ ಬರುತ್ತಿತ್ತು.. ಈ ವಿಷಯವನ್ನು ನನ್ನ ಪತ್ನಿ ನನಗೆ ತಿಳಿಸಿದ್ದು ನಾನು ಅದೇ ನಂಬರ್ಗೆ ಫೋನ್ ಮಾಡಿದಾಗ ರಮ್ಯಾಮೂರ್ತಿ ಎನ್ನುವವರು ಮಾತನಾಡಿದ್ದು ಅವರಿಗೆ ಸದರಿ ನಂಬರ್ನಿಂದ ಆಗಾಗ್ಗೆ, ಫೋನ್ ಬರುತ್ತಿರುತ್ತದೆ ಎಂದು ವಿಚಾರಿಸಿ ನಂತರ ಅವರ ತಾಯಿಗೆ ಫೋನ್ ಕೊಡುವಂತೆ ಕೇಳಿದಾಗ ಫೋನ್ ಕಟ್ ಮಾಡಿದ್ದು ನಂತರ ಪಥೇ ಪದೇ ಫೋನ್ ಮಾಡಿ ಅವರ ತಾಯಿಗೆ ಫೋನ್ ಕೊಡುವಂತೆ ಕೇಳಿದಾಗ ಅವರ ತಾಯಿ ಮಾತನಾಡಿದ್ದು, ಅವರಿಗೂ ಸಹ ನಂತರ ಪಥೇ ಪದೇ ಫೋನ್ ಮಾಡಿ ಅವರ ತಾಯಿಗೆ ಫೋನ್ ಕೊಡುವಂತೆ ಕೇಳಿದಾಗ ಅವರ ತಾಯಿ ಮಾತನಾಡಿದ್ದು, ಅವರಿಗೂ ಸಹ ನಾನು ಸದರಿ ನಂಬರ್ ನಿಂದ ಆಗಾಗ್ಗೆ, ಫೋನ್ ಬರುತ್ತಿರುವ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದೆನು. ನಂತರ ನನ್ನ ಪತ್ನಿ ಸ್ಕೂಲಿನಲ್ಲಿ ವಿಚಾರಿಸಿದಾಗ ಸ್ಕೂಲಿನಲ್ಲಿ ವಿಚಾರಿಸುತ್ತೇವೆ ಎಂದು ಹೇಳಿದರು, ನಾನು ಒಂದು ಅಪರಿಚಿತ ನಂಬರಿನಿಂದ ನನ್ನ ಹೆಂಡತಿಯ ಮೊಬೈಲ್ ನಂಬರ್ಗೆ ಫೋನ್ ಬರುತ್ತಿದ್ದರಿಂದ ನಾನು ಮಾತನಾಡಿ ವಿಚಾರಿಸಿರುತ್ತೇನೆ ಹೊರತು ಅವರಿಗೆ ಯಾವುದೇ ಅಸಬ್ಬವಾದ ಭಾಷೆಯಲ್ಲಿ ಮಾತನಾಡಿರುವುದಿಲ್ಲ. ಹಾಗೂ ನಾನು ಸ್ಕೂಲಿನ ಹತ್ತಿರ ಹೋಗಿ ರಮ್ಯಾಮೂರ್ತಿಯವರನ್ನಾಗಲೀ, ಅವರ ತಾಯಿಯನ್ನಾಗಲೀ ಬೇಟೆಯಾಗಿರುವುದಿಲ್ಲ. ನಾನು ಮಾತನಾಡಿದ

ನಂತರ ಯಾವುದೇ ಮಸೇಜ್ ಮತ್ತು ಫೋನ್ ಬರಲಿಲ್ಲ. ನಾನು ರಮ್ಯಾ ಮೂರ್ತಿ ರವರಿಗೆ ಫೋನ್ ಮಾಡಿದ ದಿನಾಂಕ ಮತ್ತು ಮೊಬೈಲ್ ನಂಬರ್ ನನಗೆ ನೆನಪಿರುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿಕೆಯನ್ನು ನೀಡಿರುತ್ತಾರೆ.

ಈ ಪ್ರಕರಣದಲ್ಲಿ ಇದುವರೆಗೂ ನಡೆಸಲಾದ ತನಿಖಾ ಕ್ರಮಗಳಿಂದ ಮೃತೆಯು ಬರೆದಿರುವ ಡೆತ್ ನೋಟ್ ನಲ್ಲಿ, Dear school Marks is not everything principal, Akshatha, Ishita Singh, Chaitra, hate you all thank u for everything, mom please adopt a child & take care of your health, yours loving Ramya murthy.k.s.ix CBSE ಎಂದು ಬರೆದಿದ್ದು ಮೃತಳು ತಾನು ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಳ್ಳಲು ಇಂತಹ ವ್ಯಕ್ತಿಯೇ ಕಾರಣರಾಗಿರುತ್ತಾರೆ ಎಂಬುದಾಗಲೀ, ಇಂತಹದೇ ವಿಷಯಕ್ಕೆ ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಳ್ಳುತ್ತಿದ್ದೇನೆ ಎಂಬುದಾಗಲೀ ಅಥವಾ ಇಂತಹದೇ ವಿಷಯಕ್ಕೆ ಅವರನ್ನು ದ್ವೇಷಿಸುತ್ತಿದ್ದೇನೆ ಎಂಬುದಾಗಲಿ - ನಮೂದಿಸಿರುವುದಿಲ್ಲ, ಮೃತೆಯು ಸ್ಟೇಟ್ ಸಿಲೆಬಸ್ ನಿಂದ ಸಿ.ಬಿ.ಎಸ್.ಸಿ. ಸಿಲೆಬಸ್ ಬದಲಾವಣೆ ಮಾಡಿಕೊಂಡ ನಂತರ ಹೆಚ್ಚಿನ ಅಂಶಗಳನ್ನು ಗಳಿಸದೆ ಇದ್ದು, ಹಾಗೂ ಇತ್ತೀಚಿನ ದಿನಗಳಲ್ಲಿ ಸರಿಯಾಗಿ ಶಾಲೆಗೆ ಹಾಜರಾಗದೆ ಗೈರುಹಾಜರಿರುವುದು, ಶಾಲೆಯ ನಿಯಮಗಳನ್ನು ಪಾಲಿಸದೆ ಬೇಕರಿ ತಿಂಡಿಗಳನ್ನು ಶಾಲೆಗೆ ತೆಗೆದುಕೊಂಡು ಹೋಗಿರುವುದು, ಪಿಯಾರ್‌ದುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ದಿನಾಂಕ: 17-02-2022 ರಂದು ಗಣಿತ ಪರೀಕ್ಷೆ ಇದ್ದುದರಿಂದ ರಾತ್ರಿ ಪರೀಕ್ಷೆಗೆ ತಯಾರಾಗುತ್ತಿದ್ದ ಮೃತೆ ರಮ್ಯಾಮೂರ್ತಿರವರನ್ನು ಅವರ ತಂದೆ ಶ್ರೀ ಶಿವಕುಮಾರ ರವರು ಮಲಗಿಕೊಳ್ಳುವಂತೆ ಗದರಿಸಿರುವುದು, ಹಾಗೂ ಮೃತೆಯು ಸುಮಾರು ಬೆಳಿಗ್ಗೆ 05-30 ರಿಂದ ಮನೆಯಲ್ಲಿ ಕಾಣದಿದ್ದರೂ ಸಹ ಪೋಷಕರು ಸುಮಾರು ಸುಮಾರು 9-00 ಗಂಟೆಯ ನಂತರ ಮಗಳ ಬಗ್ಗೆ ಗಮನಿಸದೆ ನಿರ್ಲಕ್ಷ್ಯ ವಹಿಸಿರುವುದು ಹಾಗೂ ಮೃತಳ ತಂದೆ ತಾಯಿ ಇಬ್ಬರೂ ಕೆಲಸಕ್ಕೆ ಹೋಗುತ್ತಿದ್ದು ಅವರ ಕೆಲಸದ ಸಮಯಕ್ಕೆ ತಕ್ಕಂತೆ ಮನೆಯಿಂದ ಹೋಗುವುದು ಬರುವುದನ್ನು ಮಾಡುತ್ತಿದ್ದು, ಮಗಳನ್ನು ಶಾಲೆಗೆ ರೆಡಿಮಾಡಿ ಕಳುಹಿಸಿವೆ ಬಗ್ಗೆ, ವಿದ್ಯಾಭ್ಯಾಸದ ಬಗ್ಗೆ ನಿರ್ಲಕ್ಷ್ಯ ವಹಿಸುವುದು ಕಂಡುಬಂದಿದ್ದು ಹಾಗೂ ಪಿಯಾರ್‌ದುದಾರರು ಘಟನೆ ನಡೆದ ಸಮಯದಲ್ಲಿ ನೀಡಿದ ಹೇಳಿಕೆಯಲ್ಲಿ ಮೃತಳ ಮರಣದ ಬಗ್ಗೆ ಯಾವುದೇ ಅನುಮಾನವನ್ನು ವ್ಯಕ್ತಪಡಿಸದೇ ಸುಮಾರು ಒಂದು ವರ್ಷಗಳ ನಂತರ ಶಾಲೆಯ ಆಡಳಿತ ಮಂಡಳಿ, ಹಾಗೂ ಶಿಕ್ಷಕರ ವಿರುದ್ಧ ದೂರನ್ನು ನೀಡಿರುವುದು ಕಂಡುಬಂದಿದ್ದು, ಸಾಕ್ಷಿದಾರರ ವಿಚಾರಣೆಯಿಂದ ಮೃತಳಿಗೆ ಶಾಲೆಯ ಆಡಳಿತ ಮಂಡಳಿಯು ಶಾಲೆಯ ನಿಯಮಗಳಂತೆ ಎಲ್ಲಾ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೂ ನೀಡುವ ಸೂಚನೆಯಂತೆ ಮೃತಳಿಗೂ ಸಹ ಶಾಲೆಗೆ ಬೇಕರಿ ತಿಂಡಿಗಳನ್ನು ತರದಂತೆ ಸರಿಯಾಗಿ ಶಾಲೆಗೆ ಹಾಜರಾಗುವಂತೆ, ಸಮಯಕ್ಕೆ ಸರಿಯಾಗಿ ಶಾಲೆಯ ಶುಲ್ಕವನ್ನು ತುಂಬುವಂತೆ, ಹಾಗೂ ಹೆಚ್ಚಿನ ಅಂಶಗಳನ್ನು ಗಳಿಸುವಂತೆ ಸೂಚನೆಯನ್ನು ನೀಡಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಮೃತೆಯು ಇತ್ತೀಚಿಗೆ ಸರಿಯಾಗಿ ಶಾಲೆಗೆ ಹಾಜರಾಗದೆ, ಸ್ಟೇಟ್ ಸಿಲೆಬಸ್‌ನಿಂದ ಸಿ.ಬಿ.ಎಸ್.ಸಿ. ಸಿಲೆಬಸ್ ಪಠ್ಯಕ್ರಮವನ್ನು ಬದಲಾವಣೆ ಮಾಡಿಕೊಂಡ ನಂತರ ಹೆಚ್ಚಿನ ಅಂಶವನ್ನು ಗಳಿಸಲು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲವೆಂದು ಬಾವಿಸಿ ಅಥವಾ ತನ್ನ ವೈಯಕ್ತಿಕ ಸಮಸ್ಯೆಯಿಂದ ಮನಸ್ಸಿಗೆ ಬೇಜಾರುಮಾಡಿಕೊಂಡು ದಿನಾಂಕ: 17-02-2022 ರಂದು ಬೆಳಿಗ್ಗೆ ಯಶವಂತಪುರ ಮತ್ತು ಚಿಕ್ಕಬಾಣಾವಾರ ರೈಲು ನಿಲ್ದಾಣಗಳ ಮಧ್ಯೆ ರೈಲ್ವೇ ಕೆ.ಎಂ. ನಂ. 12/300-400 ರಲ್ಲಿ ಚಲಿಸುವ ರೈಲುಗಾಡಿಗೆ ಸಿಕ್ಕಿ ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಂಡು ಮೃತಪಟ್ಟಿರುವಂತೆ ಕಂಡುಬಂದಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಇದೊಂದು ತಪ್ಪು ತಿಳುವಳಿಕೆಯಿಂದ ವರದಿಯಾದ ಪ್ರಕರಣವೆಂದು ಪರಿಗಣಿಸಿ ಪ್ರಕರಣದಲ್ಲಿ “ಬಿ” ಅಂತಿಮ ವರದಿಯನ್ನು ಬರೆದು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿಕೊಳ್ಳಲು ಮಾನ್ಯ ಪೊಲೀಸ್ ಉಪಾಧೀಕ್ಷಕರು, ರೈಲ್ವೇಸ್, ಬೆಂಗಳೂರುರವರ ಅನುಮತಿ ಕೋರಿದ್ದು, ಮಾನ್ಯರು ಕಛೇರಿ ಪತ್ರ ಸಂಖ್ಯೆ ನಂ/ಎಸ್.ಡಿ.ಪಿ/ಎಸ್.ಬಿ.ಸಿ/ಬಿ/07/2022 ದಿನಾಂಕ: 18-05-2023 ರಲ್ಲಿ ಪ್ರಕರಣದಲ್ಲಿ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಬಿ ಅಂತಿಮ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿಕೊಳ್ಳಲು ಅನುಮತಿ ನೀಡಿದ್ದು, ಪ್ರಕರಣದಲ್ಲಿ ಫಿರ್ಯಾದುದಾರರಿಗೆ ಫಾರಂ ನಂ. 159 ಅನ್ನು ಜಾರಿ ಬಿ ಅಂತಿಮ ವರದಿಯನ್ನು ಬರೆದು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ಅಂಗೀಕಾರ ಕೋರಿ ಸಲ್ಲಿಸಿಕೊಂಡಿರುತ್ತದೆ.”

(Emphasis added)

A perusal at the 'B' report would indicate that the victim was not able to score high marks due to change in syllabus. The investigation comes to a conclusion indicating that the rules of the School were not followed by the victim as she was bringing bakery products to school. In the opinion of the Investigating Officer, the parents are said to have scolded the victim to sleep before the day of her exam and neglected her. These findings are recorded by the Investigating Officer without even recording the statement of the mother of the victim after the registration of the complaint in Crime No.26 of 2023.

10. The petitioner/ complainant files a protest petition. The protest petition was in great detail. The protest petition led the

concerned Court to pass an order on 14-08-2023 rejecting 'B' report and directing fresh investigation. The order reads as follows:

"ORDERS ON 'B' REPORT"

On the basis of written information/complaint given by Smt. Kavitha M, the Bengaluru Rural Railway Police registered Cr.No.26 of 2023 against the president, Principal and teachers of Soundarya School for the O/P/U/Sec.306 r/w 34 of IPC.

2. After the investigation, the PSI of Bengaluru Rural Railway Police Station submitted 'B' report, which was opposed by the complainant.

3. The complainant filed her protest petition.

4. I have heard the complainant's counsel on 'B' report as well as on protest petition.

5. It is the case of the complainant, that her 15 year old daughter Ramya Murthy K.N., was studying in 9th standard at Soundarya School, Hesaraghatta main road, Bengaluru. **She committed suicide as the school management and its teachers bullied their daughter. Though their daughter was getting A+ marks in the exams, she was sidelined by the teachers. She was harassed by her classmates. The principal passed bad comments regarding her body odour. The teacher always took her to the principal, who always spoke in a rough tone. Their daughter took extreme step, written death note and committed suicide by going across the moving train. The IO did not give importance to the death note, FSL report, experts opinion and did not enquire with independent witnesses. Though there are sufficient materials against the accused persons to show their involvement in the alleged crime, the IO filed 'B' report without investigating the case effectively. The IO has filed 'B' final report by colluding with the accused persons.** Hence, she prayed the Court to reject the 'B' report filed by the police, take cognizance of the offences and take necessary legal action against the accused.

6. The PSI of Bengaluru Rural Railway Police Station submitted "B" report on the grounds that, **the daughter of the complainant could not score good marks as she opted CBSE syllabus from state syllabus. She did not pay the school fees in time promptly. Her parents were negligent, who did not give attention to their daughter's behaviour. She was frequently bringing bakery items to the school, which was against the school policy. She committed suicide due to her personal problems. She was not regular in attending classes. There is a delay in lodging complaint. The present case is not fit for investigation as, the complaint is filed on misconception.**

7. By perusing the records, it is noticed that, the daughter of the complainant was studying in 9th standard. She left the death note before committing suicide, wherein it is stated that "Dear school, marks is not everything. Principal, Akshatha, Ishitha Singh, Chaitra hate you all. Thank you for everything". **The senior scientific officer of Regional Forensic Science Laboratory, Davangere had examined the death note by comparing the handwriting of the deceased found in the school note book and opined that "the questioned writings marked as D1(a), D1(a1), D1(b) and the admitted writings marked as D2(a) to D2(m) are all written by one and the same person. In spite of it, the IO did not investigate the case effectively.**

8. By perusing the copies of the marks cards, it is noticed that the daughter of the complainant was scoring A, A+ grades in the examination. The IO enquired with altogether 29 witnesses. He has enquired with Akshatha, Ishitha Singh and Chaitra, whose names are mentioned in the death note. **But, the IO did not enquire with other classmates of Ramya to know how the principal, teachers, Akshatha, Ishitha Singh and Chaitra were treating her.**

9. Non enquiring with other classmates of the deceased and non-recording of their statements create doubt about the effective investigation conducted by the IO. **Without marking effective investigation, the IO has filed "B" report stating that the complainant has filed the complaint on**

misconception. In the final report, the IO has blamed a minor meritorious student, who ended her life by moving across the running train.

10. When the hand writing expert has given a positive report regarding the hand writing of the deceased found on the death note, without enquiring about the circumstances which made the victim to end her life, the IO has negligently filed 'B' report blaming the deceased to avoid his responsibility.

11. What is the role of principal, Akshatha, Ishitha Singh and Chaitra which made the victim to hate them has not been ascertained by the IO. The IO did not enquire with other classmates of the deceased nor recorded their statements. From the 'B' report, it appears that, the IO intended to help the management of Soundarya School.

12. The IO did not collect materials as to why Ramya was not attending classes and why she was bringing bakery items. Why she was taken to the chambers of principal frequently has not been ascertained by the IO. The complainant has produced a copy of news detail, which was telecasted under the caption of "B'luru: Class 9 student jumps before moving train, leaves death note stating "I hate you principal" But, the name of the institution has not been mentioned therein. From the contents of that document, it appears that the parents of the deceased had filed complaint against school administration before Human Rights Commission, prior to lodging complaint before the police.

13. Ms. Ramya Murthy committed suicide on 17-02-2022. It appears that the parents of the deceased firstly approached Human Rights Commission to take legal action against the school management and hence there was delay in filing complaint. Without conducting proper investigation, the IO cannot blame the deceased, who ended her life by coming across the moving train.

14. The IO did not give importance to the death note, FSL report, experts opinion and he did not enquire with independent witnesses. According to the IO, Ramya Murthy had personal problems and hence, she committed suicide. What was the personal problem faced by Ramya, which made her to take extreme step to end her life has not been explained by the IO in his final report. If there was any personal problem, was it not related to her school and education? This aspect has not been clarified by the IO in his final report.

15. By filing 'B' report, the IO intended to avoid his responsibility in effectively conducting the investigation. Prima facie there are sufficient materials on record to show that, the IO did not investigate the matter effectively. Therefore, there are sufficient grounds and material before the Court to reject the "B" report filed by the IO. By considering all these aspects, I proceed to pass the following:

ORDER

"B" report submitted by the PSI of Bengaluru Rural Police Station in the above case is hereby rejected.

The Superintendent of Police, Railways, Bengaluru is directed to depute some other officer to investigate the case afresh. Such officer is directed to investigate the matter afresh and file his report. Call on 05-12-2023."

(Emphasis added)

The concerned Court observes that no investigation with regard to the death note was even done by the Investigating Officer even after it is confirmed by the FSL report that the handwriting on the death note is that of the deceased. No investigation was conducted *qua* the role of the persons named in the death note.

The parents had to approach the Human Rights Commission to get the complaint registered. The Investigating Officer had not given any credence to the death note and the FSL report and did not even examine any independent witness.

11. Based upon the afore-quoted order of the concerned Court, a different Investigating Officer was appointed to conduct the investigation. The investigation results in a second 'B' report. The gist of the second 'B' report is as follows:

"....

ಈ ಪ್ರಕರಣದಲ್ಲಿ ಇದುವರೆಗೂ ಎಲ್ಲಾ ಆಯಾಮಗಳಿಂದಲೂ ಹಾಗೂ ವೈಜ್ಞಾನಿಕ ತನಿಖಾ ಕ್ರಮಗಳಿಂದ ಹಾಗೂ ಮರು ತನಿಖಾ ಕ್ರಮಗಳಿಂದ ಮೃತೆಯು ಬರೆದಿರುವ ಡೆತ್ ನೋಟ್ ನಲ್ಲಿ Dear school Marks is not everything principal, Akshatha, Ishita Singh, Chaitra, hate you all thank u for everything, mom please adopt a child & take care of your health, yours loving Ramya murthy. K.S IX CBSE ಎಂಬುದಾಗಿ ಬರೆದಿದ್ದು, ತಾನು ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಳ್ಳಲು ಇವರುಗಳೇ ಕಾರಣ ಎಂಬುದಾಗಲೀ, ಇಂತಹದೇ ವಿಷಯಕ್ಕೆ ಮನನೊಂದು ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಳ್ಳುತ್ತಿದ್ದೇನೆ ಎಂಬುದಾಗಲೀ ಅಥವಾ ಡೆತ್ ನೋಟ್‌ನಲ್ಲಿ ಬರೆದಿರುವ ವ್ಯಕ್ತಿಗಳನ್ನು ಇಂತಹದೇ ವಿಷಯಕ್ಕೆ ಅವರನ್ನು ದ್ವೇಷಿಸುತ್ತಿದ್ದೇನೆ ಎಂಬುದಾಗಲೀ ನಮೂದಿಸಿರುವುದಿಲ್ಲ. ಹಾಗೂ ರಮ್ಯಾಮೂರ್ತಿ ಮೃತಪಟ್ಟು ಒಂದು ವರ್ಷದ ನಂತರ 306 ಐಪಿಸಿ ರಿತ್ಯಾ ಪ್ರಕರಣ ದಾಖಲಿಸಯವಂತೆ ದೂರು ನೀಡಿದ್ದು, ಯುಡಿಆರ್ ಪ್ರಕರಣ ದಾಖಲಾದಾಗ ಒಂದು ರೀತಿಯ ಹೇಳಿಕೆ, 306 ಐಪಿಸಿ ಪ್ರಕರಣದಲ್ಲಿ ಒಂದು ರೀತಿಯ ಹೇಳಿಕೆಯನ್ನು ನೀಡಿರುತ್ತಾರೆ.

ತನಿಖಾ ಕ್ರಮಗಳಿಂದ ಮೃತೆ ವ್ಯಾಸಂಗ ಮಾಡುತ್ತಿದ್ದ ಸೌಂದರ್ಯ ಶಾಲೆಯ ಆಡಳಿತ ಮಂಡಳಿ, ಶಿಕ್ಷಕರು, ಪ್ರಾಂಶುಪಾಲರು, ವಿದ್ಯಾರ್ಥಿಗಳನ್ನು ವಿಚಾರಣೆ ಮಾಡಿದ್ದರಲ್ಲಿ ನಮ್ಮ ಶಾಲಾ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಉತ್ತಮ ಗುಣಮಟ್ಟದ ಶಿಕ್ಷಣ ನೀಡುವುದು ಗಂಭೀರವಾದ ವಿಷಯವಾಗಿದ್ದು, ಶಾಲಾ ಮಂಡಳಿ, ಪ್ರಾಂಶುಪಾಲರು ಮತ್ತು ಶಿಕ್ಷಕರು ಯಾವುದೇ ವಿದ್ಯಾರ್ಥಿ ಮಾಡಿದ ತಪ್ಪುಗಳು ಅಥವಾ ಲೋಪಗಳನ್ನು ನಿರ್ಲಕ್ಷಿಸುವುದಿಲ್ಲ. ಆರೋಗ್ಯದ ದೃಷ್ಟಿಯಿಂದ ಮತ್ತು ಪ್ರಾಂಶುಪಾಲರ & ಆಡಳಿತ ಮಂಡಳಿಯ ಆಜ್ಞೆಯನ್ನು ಪಾಲಿಸಲು ಕಾಳಜಿ ವಹಿಸಲು ಶಾಲೆಯಲ್ಲಿ ಎಲ್ಲಾ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೂ ಹೇಳುವಂತೆ ಮೃತ ವಿದ್ಯಾರ್ಥಿ ರಮ್ಯಾಮೂರ್ತಿ ರವರಿಗೂ ಸಹ ಶಾಲೆಗೆ ಬೇಕರಿ ತಿಂಡಿಗಳನ್ನು ತರದಂತೆ, ಶಾಲಾ ಫೀಜ್ ಹಣವನ್ನು ಸರಿಯಾದ ಸಮಯಕ್ಕೆ ಕಟ್ಟುವಂತೆ, ಹಾಗೂ ಹೆಚ್ಚು ವಿದ್ಯಾಭ್ಯಾಸ ಕಡೆ ಗಮನ ನೀಡುವಂತೆ ಸೂಚನೆಯನ್ನು ನೀಡುತ್ತಾರೆಯೇ ಹೊರತು ಬೇರೆ ಯಾವುದೇ ಉದ್ದೇಶದಿಂದ ಹೇಳಿರುವುದಿಲ್ಲ. ಮೃತ ವಿದ್ಯಾರ್ಥಿ ರಮ್ಯಾಮೂರ್ತಿರವರ ಪೋಷಕರಿಗೆ ಶಾಲಾ ಆಡಳಿತ ಮಂಡಳಿ ಯಾವುದೇ ಪರಿಹಾರದ ಹಣವನ್ನು ಕೊಡುವುದಾಗಿ ನಾನು ಹೇಳಿಲ್ಲ ಹಾಗೂ ಕೊಟ್ಟಿಲ್ಲ. ಶಾಲೆಯಲ್ಲಿ ಮೃತ ವಿದ್ಯಾರ್ಥಿ ರಮ್ಯಾಮೂರ್ತಿರವರ ಸಂತಾಪ ಸೂಚಿಸಲು ಸಭೆಯನ್ನು ನಡೆಸಿದ್ದು, ಆ ಸಭೆಯಲ್ಲಿ ಮೃತ ವಿದ್ಯಾರ್ಥಿ ರಮ್ಯಾಮೂರ್ತಿರವರ ತಂದೆ ಶಿವಕುಮಾರ್‌ಮೂರ್ತಿರವರ ವಯಸ್ಸನ್ನು ಕೇಳುವುದಾಗಲೀ, ನೀವು ಮತ್ತೊಂದು ಮಗುವನ್ನು ಮಾಡಿಕೊಳ್ಳಿ ಎಂದು ಅವರ ಮನಸ್ಸಿಗೆ ನೋವಾಗುವಂತೆ ಮಾತನಾಡಿರುವುದಿಲ್ಲ. ಹಾಗೂ ಮೃತೆಯು ಸ್ಟೇಟ್ ಸಿಲೆಬಸ್ ನಿಂದ ಪಿ.ಬಿ.ಎಸ್.ಸಿ. ಸಿಲೆಬಸ್‌ಗೆ ಬದಲಾವಣೆ ಮಾಡಿಕೊಂಡ ನಂತರ ಹೆಚ್ಚಿನ ಅಂಕಗಳನ್ನು

ಗಲಿಸದೆ ಇದ್ದು, ಹಾಗೂ ಇತ್ತೀಚಿನ ದಿನಗಳಲ್ಲಿ ಸರಿಯಾಗಿ ಶಾಲೆಗೆ ಗೈರುಹಾಗಿರುವುದು, ಶಾಲೆಯ ನಿಯಮಗಳನ್ನು ಪಾಲಿಸದೇ ಬೇಕರಿ ತಿಂಡಿಗಳನ್ನು ಶಾಲೆಗೆ ತೆಗೆದುಕೊಂಡು ಹೋಗಿರುವುದು. ಫಿರ್ಯಾದುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ತಿಳಿಸಿರುವಂತೆ ದಿನಾಂಕ:17-02-2022 ರಂದು ಗಣಿತ ಪರೀಕ್ಷೆ ಇದ್ದುದರಿಂದ ರಾತ್ರಿ ಪರೀಕ್ಷೆಗೆ ತಯಾರಾಗುತ್ತಿದ್ದ ಮೃತ ರಮ್ಯಮೂರ್ತಿ ರವರನ್ನು ಅವರ ತಂದೆ ಶ್ರೀ.ಶಿವಕುಮಾರರವರು ಮಲಗಿಕೊಳ್ಳುವಂತೆ ಗದರಿಸಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಮೃತಳ ತಂದೆ ತಾಯಿ ಇಬ್ಬರೂ ಕೆಲಸಕ್ಕೆ ಹೋಗುತ್ತಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಫಿರ್ಯಾದುದಾರರು ಮೃತ ಮಗಳ ಮರಣದ ಬಗ್ಗೆ ಯಾವುದೇ ಅನುಮಾನವನ್ನು ವ್ಯಕ್ತಪಡಿಸದೇ ಸುಮಾರು ಒಂದು ವರ್ಷಗಳ ನಂತರ ಶಾಲೆಯ ಆಡಳಿತ ಮಂಡಳಿ, ಹಾಗೂ ಶಿಕ್ಷಕರ ವಿರುದ್ಧ ದೂರನ್ನು ನೀಡಿರುವುದು ಕಂಡುಬಂದಿದ್ದು, ಸಾಕ್ಷಿದಾರರ ವಿಚಾರಣೆಯಿಂದ ಶಾಲಾ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಉತ್ತಮ ಗುಣಮಟ್ಟದ ಶಿಕ್ಷಣ ನೀಡುವುದು ಗಂಭೀರವಾದ ವ್ಯವಹಾರವಾಗಿದ್ದು ಶಾಲಾ ಮಂಡಳಿ, ಪ್ರಾಂಶುಪಾಲರು ಮತ್ತು ಶಿಕ್ಷಕರು ಯಾವುದೇ ವಿದ್ಯಾರ್ಥಿ ಮಾಡಿದ ತಪ್ಪುಗಳು ಅಥವಾ ಲೋಪಗಳನ್ನು ನಿರ್ಲಕ್ಷಿಸುವುದಿಲ್ಲ. ಆರೋಗ್ಯದ ದೃಷ್ಟಿಯಿಂದ ಮತ್ತು ಪ್ರಾಂಶುಪಾಲರ & ಆಡಳಿತ ಮಂಡಳಿಯ ಆಜ್ಞೆಯನ್ನು ಪಾಲಿಸಲು ಕಾಳಜಿ ವಹಿಸಲು ಶಾಲೆಯಲ್ಲಿ ಎಲ್ಲಾ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೂ ನೀಡುವ ಸೂಚನೆಯಂತೆ ಮೃತಳಿಗೂ ಸಹ ಶಾಲೆಗೆ ಬೇಕರಿ ತಿಂಡಿಗಳನ್ನು ತರದಂತೆ, ಸರಿಯಾಗಿ ಶಾಲೆಗೆ ಹಾಜರಾಗುವಂತೆ, ಸಮಯಕ್ಕೆ ಸರಿಯಾಗಿ ಶಾಲೆಯ ಶುಲ್ಕವನ್ನು ತುಂಬುವಂತೆ, ಹಾಗೂ ಹೆಚ್ಚಿನ ಅಂಕಗಳನ್ನು ಗಳಿಸುವಂತೆ ಸೂಚನೆಯನ್ನು ನೀಡಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಮೃತೆಯು ಇತ್ತೀಚೆಗೆ ಸರಿಯಾಗಿ ಶಾಲೆಗೆ ಹಾಜರಾಗದೇ, ಸ್ಟೇಟ್ ಸಿಲೆಬಸ್‌ನಿಂದ ಸಿ.ಬಿ.ಎಸ್.ಸಿ. ಸಿಲೆಬಸ್‌ಗೆ ಪಠ್ಯಕ್ರಮವನ್ನು ಬದಲಾವಣೆ ಮಾಡಿಕೊಂಡ ನಂತರ ಹೆಚ್ಚಿನ ಅಂಕವನ್ನು ಗಳಿಸಲು ಸಾಧ್ಯವಾಗದೇ ಇದ್ದು, ಈ ವಿಷಯವನ್ನು ತನ್ನ ಸಹಪಾಠಿಗಳಿಗೂ, ತಂದೆತಾಯಿ, ಶಾಲಾ ಶಿಕ್ಷಕರುಗಳು ಹೇಳಿಕೊಳ್ಳಲು ಆಗದೇ ಮಾನಸಿಕವಾಗಿ ಕುಗ್ಗಿ ಅಥವಾ ತನ್ನ ವೈಯಕ್ತಿಕ ಸಮಸ್ಯೆಗಳನ್ನು ಯಾರ ಬಳಿಯು ಹೇಳಿಕೊಳ್ಳದೇ ಗೊಂದಲದಲ್ಲಿ ದಿನಾಂಕ:-17-02-2022 ರಂದು ಗಣಿತ ಪರೀಕ್ಷೆಗೆ ಹಾಜರಾಗದೇ ಯಶವಂತಪುರ ಮತ್ತು ಚಿಕ್ಕಬಾಣಾಪುರ ರೈಲು ನಿಲ್ದಾಣಗಳ ಮಧ್ಯೆ ರೈಲ್ವೆ ಕೆ.ಮೀ.ನಂ.12/300-400ರ, ಅಪ್‌ಲೈನ್ ರೈಲ್ವೆ ಹಳೆಯ ಮೇಲೆ ಬಂದು ತುಮಕೂರು ಕಡೆಗೆ ಹೋಗುವ ಯಾವುದೋ ಚಲಿಸುವ ರೈಲುಗಾಡಿಗೆ ತನ್ನಮೂಲಕ ತಾನೇ ಸಿಕ್ಕಿ ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಂಡು ಮೃತಪಟ್ಟಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಪ್ರಕರಣದ ತನಿಖೆಯಿಂದ ಮೃತಳು ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಳ್ಳಲು ಯಾವುದೇ ಪ್ರಚೋದನೆ ನೀಡಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ರೀತಿಯ ಸಾಕ್ಷಿ ಆಧಾರಗಳು ಲಭ್ಯವಾಗಿರುವುದಿಲ್ಲ.

ಆದ ಕಾರಣ ಮೃತ ರಮ್ಯಮೂರ್ತಿರವರು ತಾನೇ ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಂಡು ಮೃತಪಟ್ಟಿರುವುದು ಕಂಡುಬಂದಿದ್ದು, ಇದೊಂದು ತಪ್ಪು ತಿಳುವಳಿಕೆಯಿಂದ ವರದಿಯಾದ ಪ್ರಕರಣವೆಂದು ಪರಿಗಣಿಸಿ, ಮಾನ್ಯ ನ್ಯಾಯಾ ಯಕ್ಕೆ, “ಬಿ” ಅಂತಿಮ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿಕೊಳ್ಳಲು ಅನುಮತಿ ನೀಡಬೇಕೆಂದು ಮಾನ್ಯ ಪೊಲೀಸ್ ಉಪಾಧೀಕ್ಷಕರು, ರೈಲ್ವೆ ಉಪ ವಿಭಾಗ, ಬೆಂಗಳೂರುರವರಿಗೆ ಸಲ್ಲಿಸಿಕೊಂಡಿದ್ದು, ಮಾನ್ಯರ ಕಛೇರಿ ಜ್ಞಾಪನ ಪತ್ರ ಸಂ: ಎಸ್‌ಡಿಪಿಬಿ/ಎಸ್‌ಬಿಬಿ/16/2024, ದಿನಾಂಕ:-30/05/2024 ರಿತ್ಯಾ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಬಿ ಅಂತಿಮ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿಕೊಳ್ಳಲು ಅನುಮತಿ ನೀಡಿದ್ದು, ಪ್ರಕರಣದಲ್ಲಿ ಫಿರ್ಯಾದುದಾರರಿಗೆ ಮಾಹಿತಿ ನೀಡಿ, ಪ್ರಕರಣದ ಬಿ ಅಂತಿಮ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಿ, ಅಂಗೀಕೃತ ವರದಿ ನೀಡಲು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿಕೊಂಡಿರುತ್ತದೆ.”

(Emphasis added)

12. A second protest petition is preferred by the petitioner against the second 'B' report. By the impugned order, the 'B' report is accepted and the petition is closed by the following order:

"ORDERS ON 'B' REPORT

On the basis of written information/complaint given by Smt. Kavitha M, the Bengaluru Rural Railway Police registered

Cr.No.26/2023 against the president, principal and teachers of Soundarya School for the O/P/U/Sec.306 r/w 34 of IPC.

2. After the investigation, the PSI of Bengaluru Rural Railway Police Station submitted "B" Final report, which was opposed by the complainant.

3. After hearing both the parties, this Court passed orders dated 14-08-2023 and thereby rejected the 'B' report filed in the above case. This Court directed the Superintendent of Police, Railways Bengaluru to depute some other officer to investigate the case afresh. Such officer was directed to investigate the matter afresh and file his report.

4. In view of the directions issued by this Court, the CPI of Bengaluru Cantonment Railway circle was appointed as investigating officer, who in turn filed 'B' report.

5. The complainant objected the 'B' report once again and filed her protest petition. In order to substantiate her contentions, the complainant got examined herself as CW-1 towards enquiry on 'B' report and got marked Ex.C.1 to Ex.C.19 documents.

6. Sri LDS Advocate filed his written arguments on "B" Report as well as on protest petition.

7. It is the case of the complainant that, her 15 year old daughter Ramya Murthy K.N., was studying in the 9th standard at Soundarya School, Hesaraghatta Main Road, Bengaluru. She committed suicide as the school management and its teachers bullied their daughter. Though their daughter was getting A+ marks in the exams, she was sidelined by the teachers. She was harassed by her classmates. The principal passed bad comments regarding her body odour. The teacher always took her to the principal, who always spoke in a rough tone. Their daughter took extreme step, written death note and committed suicide by going across the moving train.

8. The CW-1 contends that, the IO did not give importance to the death note, FSL report, experts opinion and did not enquire with independent witnesses. According to CW-1, the IO filed 'B' report without

investigating the case effectively, though there are sufficient materials against the accused persons to show their involvement in the alleged crime. Hence, she prayed the Court to reject the 'B' report filed by the police, take cognizance of the offence and take necessary legal action against the accused.

9. Earlier, the PSI of Bengaluru Rural Railway Police Station submitted "B" report on the grounds that, the daughter of the complainant could not score good marks as she opted CBSE syllabus from state Syllabus. She did not pay the school fees in time promptly. Her parents were negligent, who did not give attention to their daughter's behaviour. She was frequently bringing bakery items to the school, which was against the school policy. She committed suicide due to her personal problems. She was not regular in attending classes.

10. This Court rejected the 'B' report filed by the PSI, by holding that, he did not make effective investigation, as he did not enquire with other classmates of the deceased and non-recording of their statements, which created doubt about the effective investigation conducted by the IO. After rejection of the 'B' report, the circle inspector of Bengaluru Cantonment circle investigated the matter afresh and filed 'B' report.

11. By perusing the records, it is noticed that, the daughter of the complainant was studying in 9th standard. She left a death note before committing suicide, wherein it is stated that **"Dear school, marks is not everything. Principal, Akshatha, Ishitha Singh, Chaitra hate you all. Thank you for everything"**. The senior scientific officer of Regional Forensic Science Laboratory had examined the death note by comparing the handwriting of the deceased founding in the school note book and opined that **"the questioned writings marked as D1(a), D1(a1), D1(b) and the admitted writings marked as D2(a) to D2(m) are all written by one and the same person.**

12. By perusing the copies of the marks cards, it is noticed that the daughter of the complainant was scoring A, A+ grades in the examination. The earlier IO enquired with altogether 29 witnesses. Now the present IO enquired with 17

witnesses, who are none other than classmates, teachers, principal, school staff and parents of some students.

13. If we read the death note, experts opinion in comparison with the statements of witnesses, it appears that the deceased was psychologically not adjusted to the new syllabus, who opted to CBSE from state syllabus. Generally teachers expect good marks from all their students. Teachers advising the students for their better future cannot be held as a ground for committing suicide.

14. The deceased could not reach to the expectations of the teachers. There is no material on record to hold that, the deceased was sidelined by the teachers and she was harassed by her classmates. The handwriting expert has given a positive report regarding the handwriting of the deceased found on the death note. The IO by enquiring with relevant witnesses, recorded their statements about the activities of the deceased and circumstances which made the victim to end her life.

15. The IO has ascertained the role of principal, teachers and classmates in the life of deceased, when she was studying in Soundarya school. The IO has recorded the statements of the witnesses, which throw light on the academic activities, hobbies, behaviour etc. of deceased Ramya. Teachers scolding students for eating junk food cannot be termed as bullying or harassing.

16. Ms. Ramya Murthy committed suicide on 17-02-2022. From the version of CW-1, it appears that, the parents of the deceased are officials. The CW-1 is working as teacher. As on the date of death, Ramya had exams. On that day, the CW-1 had been to her duties, in a hope that her daughter might have gone for morning walk. The father of the deceased also did not know whether his daughter had been to attend exams or not. He enquired with school van driver, only after he received phone call from his wife. This goes to show that, the parents of Ramya were busy in their own duties and they were not giving much attention to their daughter. If they were giving attention to their daughter's activities, they could have advised her and avoided the untimely death of their only daughter.

17. It appears that, the deceased could not speak to her parents regarding the actual problem faced by her and as a result, she took extreme step and ended her life. The IO considered the death note, FSL report, experts' opinion, enquired with independent witnesses, recorded their statements. From the final report, it appears that, Ramya Murthy had personal problems and as result, she developed hatredness towards principal, teachers and classmates, which made her to take extreme step to end her life.

18. By considering all these aspects, the IO has filed 'B' report. He has not committed any error and has rightly filed 'B' report. Therefore, there are no grounds and materials before the Court to reject the "B" report filed by the IO and take cognizance on the protest petition filed by the complainant. By considering all these aspects, I proceed to pass the following:

ORDER

"B" report submitted by the CPI of Bengaluru Cantonment Railway Circle in Cr.No.26/2023 of Bengaluru Rural Railway Police Station is hereby accepted and in the result, this case is closed."

(Emphasis added)

The 'B' report is accepted and the case is closed on the score that the second Investigating Officer had examined 17 witnesses. The concerned Court would observe that a comparison of the death note and the expert opinion would indicate that the deceased could not psychologically adjust to the new syllabus and proceeds to

record that re-investigation was done in the case at hand appropriately.

13. In the considered view of this Court, the case could not have been closed by accepting the 'B' report. The re-investigation proceeded on a completely different footing on a wrong provision of law that it is an abetment to suicide of an adult under Section 306 of the IPC, while it was an abetment to suicide of a child under Section 305 of the IPC. If it is abetment to suicide of a child, the rigours of investigation would be completely different. **The analysis and examination of the outcome of the investigation again would completely differ as the psychological impact of any harassment of the school or teachers on a child, compared to the adult, is different.** This settled difference is given a go-bye by the Investigating Officers while investigating and re-investigating into the matter and above all, by the concerned Court.

14. Accused No.4/the 5th respondent - mathematics teacher is said to have hurled abuses intermittently. The principal is said to have hurled abuses against the child repeatedly that she was

ruining the reputation of the school by bringing in bakery products to the school. A perusal at the documents that are produced along with the petition would indicate that the statement of the victim's parents was taken on 17-02-2022, on the date of death and no statement is recorded after registration of the crime in Crime No.26 of 2023. The witness statements of the Principal, teachers and other staff were taken in December, 2023 after investigation was handed over to the second Investigating Officer. The second Investigating Officer does nothing new, but, repeats the old saga. Therefore, it becomes a classic case where reinvestigation into the matter must ensue, but not at the hands of the same jurisdictional police.

15. For the aforesaid reasons, the following:

ORDER

- (i) The criminal petition is allowed.
- (ii) The order dated 03-05-2025 passed by the XLI Additional Chief Judicial Magistrate (Additional Chief Metropolitan Magistrate), Bengaluru in Crime No.26 of 2023, stands quashed.

- (iii) The 'B' report filed in Crime No.26 of 2023 stands rejected.
- (iv) The competent authority is directed to entrust the matter to a different Investigating Officer of a different jurisdictional Police to conduct re-investigation into the matter; monitor the said investigation and place the report of investigation papers before the concerned Court, within three months from the date of its entrustment in Crime No.26 of 2023.

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

nvj
CT:MJ