



2026:KER:68442

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2026 / 18TH BHADRA, 1948

CRL.MC NO. 1527 OF 2024

CRIME NO.1229/2020 OF Vizhinjam Police Station,
Thiruvananthapuram

AGAINST THE ORDER/JUDGMENT CP NO.73 OF 2021 OF
JUDICIAL MAGISTRATE OF FIRST CLASS COURT- VII, NEYYATTINKARA

PETITIONER/ACCUSED NO.3:

SABEENA
AGED 33 YEARS
PUTHEN VEEDU, VATTAVILA, KATTAKADA, KILLI,
MULAVANKODE, KUZHATHUMMALA, THIRUVANANTHAPURAM-695543.

BY ADVS.
SRI.G.RANJU MOHAN
SMT.M.SANTHI (K/868/2011)
SMT.SEREENA P.A.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 SHAJAHAN
SHAMNA MANZIL, KARIKKATTUVILAVEEDU, AYTHIYOOR,
BALARAMAPURAM, VIZHINJAM, THIRUVANANTHAPURAM

SMT. MEGHA K. XAVIER, SR PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08.09.2026, THE COURT ON 09.09.2026 PASSED THE FOLLOWING:



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“C.R.”**ORDER**

This petition has been filed by the third accused in Crime No.1229/2020 of Vizhinjam Police Station, registered alleging commission of the offences punishable under Sections 498A and 306 of the Indian Penal Code, now pending as C.P.No.73/2021 on the file of the Judicial First Class Magistrate Court, Neyyattinkara. By the present petition, the petitioner seeks an order quashing the FIR, final report and all further proceedings in the said case.

2. The prosecution allegation in the said case in brief is as follows;

The marriage between the de facto complainant's daughter and the first accused was solemnized on 30.07.2015 as per Muslim religious rites and ceremonies. After the marriage, while the de facto complainant's daughter was residing in the matrimonial home, the first accused as well as his mother and sister had subjected the de facto complainant's daughter to cruelty both physically and mentally. Moreover, the de facto complainant's daughter became distressed due to the illicit relationship of the first accused with other ladies and the compulsion on his part to have unnatural sex with her, and thereby all the accused abetted the de facto complainant's daughter to commit suicide. Consequently, on 05.06.2020, at 1.45 p.m., the de facto complainant's daughter committed suicide by hanging. Thus, the accused are alleged to have committed the offences punishable under Sections 498A and



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306 of the IPC.

3. I heard Sri. Ranju Mohan, the learned counsel appearing for the petitioner and Smt. Megha K. Xavier, the learned Senior Public Prosecutor.

4. The learned counsel for the petitioner submitted that the petitioner, who is the third accused in this case, is innocent of the allegations levelled against her. According to the learned counsel, even if the allegations contained in Annexure A3 First Information Statement and the statement of the witnesses recorded under Section 161 of the Cr.P.C. are accepted in their entirety, an offence neither under Section 498A nor under Section 306 of the IPC is made out against the petitioner. The learned counsel further submitted that the petitioner, who is the sister of the first accused, was residing far away from her paternal house and she had no connection whatsoever with the incident that happened in this case. According to the learned counsel, no material has been collected during the course of investigation to establish that the petitioner instigated or abetted the deceased to commit suicide. The learned counsel urged that trivial disputes in family life, including minor insults by itself will not constitute the abetment of suicide. According to the learned counsel, except making some general and omnibus allegations, no specific acts which are sufficient to persuade the victim to think about ending her life have been attributed to the petitioner, and therefore the criminal proceedings against the petitioner are liable to be quashed.



5. Per contra, the learned Senior Public Prosecutor opposed the petition by emphasising the serious nature of the allegations levelled in this case against the petitioner and the other accused. It was submitted that quashing of criminal proceedings in this sort of case will give a wrong signal to society, particularly when incidents of domestic violence and matrimonial cruelty are increasing at an alarming pace in our society.

6. From the submissions made by both sides and a perusal of the records, it is discernible that the de facto complainant's daughter committed suicide on 05.06.2020, i.e., around 5 years into her marriage. Having been informed of the said incident by the victim's father, the police had registered an FIR under Section 174 of the Cr.P.C. In the investigation conducted by recording the statements of the relevant witnesses and the additional statement of the victim's father, it was revealed that offences under Sections 498A and 306 of the IPC are made out in this case against the accused Nos. 1 to 3. Consequently, a report was filed incorporating the said penal provisions in this case. After culmination of the entire investigation, a final report was filed before the Jurisdictional Magistrate alleging commission of the aforesaid offences against accused Nos.1 to 3.

7. As I have already stated, the present petition has been filed by the third accused, who is none other than the sister-in-law of the deceased, seeking quashment of the criminal proceedings against her.



While considering the question whether this is a fit case to quash the proceedings against the petitioner, first of all, it is to be borne in mind that the inherent powers under Section 482 of the Code of Criminal Procedure, which corresponds to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash criminal proceedings are extraordinary in nature and are required to be exercised sparingly, cautiously, and only in circumstances where such intervention is necessary to prevent abuse of the process of law or to secure the ends of justice.

8. One of the well-recognised grounds for quashing criminal proceedings is that, even if the allegations contained in the complaint or First Information Statement are taken at their face value and accepted in their entirety, they do not disclose the commission of any offence or do not make out a case against the accused. At the same time, while exercising jurisdiction under Section 482 of the Code of Criminal Procedure, this Court is not expected to conduct a meticulous examination of the evidence, appreciate the probative value of the materials collected during investigation, or undertake a mini-trial.

9. The scope of enquiry in a petition for quashing is limited to examining whether the allegations, on a plain reading, together with the materials available on record, disclose the essential ingredients of the alleged offence. If the allegations raise disputed questions of fact requiring



appreciation of evidence, such issues are matters to be decided by the trial court after a full-fledged trial.

10. On a plain reading of the FIS given by the victim's father, which led to the registration of the FIR in this case, it reveals that in the FIS no specific allegations have been raised against the third accused. In the FIS, it is nowhere mentioned that the third accused has committed any act or used any words that would have a tendency to persuade the de facto complainant's daughter to think of committing suicide. However, in the FIS, there is specific mention that the first accused, who is none other than the husband of the de facto complainant's daughter, maintained an illicit relationship with another lady, and he used to physically assault the deceased in this case. However, in the subsequent statements given by the victim's father, it is stated that on one occasion, his daughter told him that the accused had beaten her publicly on a day in the year 2018 and the second accused, who is none other than the mother of the first accused and the petitioner, had instigated the first accused to beat her. Likewise, in the subsequent statement of the victim's father, it is stated that the deceased used to write a diary and in the said diary, some bad references were written with respect to the first accused and his family members. Apart from the said allegations, no specific acts that would have a tendency to lead an ordinarily women to end her life have been attributed



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against the petitioner in the additional statements given by the de facto complainant.

11. It is noteworthy that the essential ingredients to attract the offence under Section 306 IPC are (1) the abetment, (2) the intention of the accused to aid or instigate or abet the deceased to commit suicide. There must be a clear intention on the part of the accused to provoke, incite, encourage or facilitate the commission of suicide. Mere harassment, trivial quarrels or casual remarks without the requisite mens rea are generally insufficient. The act of the accused must have a reasonably direct or proximate connection with the suicide. Shortly, there should be material capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. In **Kashibai v. State of Karnataka** [2023 KHC OnLine 6194], the Hon'ble Supreme Court has, in para 8, held that;

"From the bare reading of the said provisions, it clearly transpires that in order to convict a person for the offences under Section 306 IPC, the basic constituents of the offence namely where the death was suicidal and whether there was an abetment on the part of the accused as contemplated in Section 107 IPC have to be established."

12. Likewise, in **Mariano Anto Bruno and Another v. Inspector of Police** [2022 KHC OnLine 7074], the Honourable Supreme Court in paragraph 38 held that;

"This Court has time and again reiterated that before convicting an accused



under Section 306 IPC, the Court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 is not sustainable."

13. Keeping in mind the above principles, while reverting to the case at hand, it can be seen that even if the statements of the witnesses, including the statement of the de facto complainant, are believed to be true, at best what would be established is that on one occasion, the petitioner instigated the first accused to physically assault the de facto complainant's daughter. Moreover, it is significant to note that the de facto complainant's daughter committed suicide two years after the incident. There are no materials which disclose any specific acts of instigation, intentional aid, or continued conduct on the part of the petitioner having a direct or proximate nexus with the suicide committed in the year 2020.

14. It is trite that to commit an offence of abetment of suicide, there must be prima facie materials to show mens rea and a direct or indirect act of instigation or intentional aid leading to the commission of the suicide. Mere allegations of domestic discord or some general and omnibus allegations against the relatives of the husband without the allegation of commission of any act or use of words with requisite mens rea



would not satisfy the essential ingredients of the offence.

15. Although in the additional statement given by the de facto complainant to the police, it is mentioned that some reference has been made by the deceased in the diary written by her against the family member of her husband, in the final report it is stated that on verification of the said diary, what is stated is about the first accused's illicit relationship with another lady. Even the learned Senior Public Prosecutor has not pointed out any entry in the diary specifically attributing responsibility to the petitioner for the decision of the deceased to take her own life. In short, even if the allegations contained in the final report are taken at face value as true in the entirety, the ingredients to attract an offence under Section 306 IPC are not made out against the petitioner, who is the third accused in this case.

16. However, I am not unmindful that there are some allegations of ill-treatment, harassment and use of stinging words against the petitioner. Whether the act of the petitioner would constitute a matrimonial cruelty as spelt out under Section 498A of IPC can be determined only after a full-fledged trial, particularly since the truth or otherwise of the said allegations is a matter of evidence. Therefore, I find no reason to quash the proceedings against the petitioner for the offence punishable under Section 498A of the IPC.

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In the result, the Crl. M.C is allowed in part. The proceedings against the petitioner, who is the third accused in C.P.No.73/2021 on the file of the Judicial First Class Magistrate Court, Neyyattinkara, for the offence punishable under Section 306 of the Indian Penal Code, stand quashed. However, the criminal proceedings against the petitioner for the remaining offence, i.e., under Section 498A of the IPC in the said case, shall be continued. It is made clear that the observations contained in this order are only for the purpose of deciding the present petition and shall not influence the trial court while considering the matter on merits.

Sd/-
JOBIN SEBASTIAN
JUDGE

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APPENDIX OF CRL.MC NO. 1527 OF 2024

PETITIONER ANNEXURES

Annexure A1	FINAL REPORT DATED 15-11-2021
Annexure A2	OMITTED PAGES OF FINAL REPORT
Annexure A3	CERTIFIED COPY OF FIR