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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 29th September, 2026.Uploaded on: 5th October, 2026.

CNR No. DLHC010069012018

+ CRL.A. 38/2018

RAM DEVI

.....Appellant

Through: Ms. Rakhi Dubey(DHCLSC), Adv.

versus

THE STATE & ORS

.....Respondents

Through: Mr. Hitesh Valli, APP

Mr. Mr. B.N JHA & Mr. Keshav

Kumar Jha, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by the Appellant under Section 378 read with Section 482 of the Code of Criminal Procedure of India, 1973 (hereinafter, 'Cr.P.C.') assailing the judgment dated 22nd April, 2017 passed by the Id. Additional Sessions Judge, West, Tis Hazari Courts, Delhi in **Sessions Case No. 57014/2016**. The present case arises out of **FIR No. 191/2013** registered as PS. Vikas Puri.
3. Vide the impugned judgment, accused persons namely, Sh. Manoj Kumar, Sh. Rameshwar Dayal and Smt. Usha Devi were acquitted.

Brief Background

4. The background of the case is that the Victim namely, Smt. Kavita got married to Manoj Kumar on 23rd November, 2012. The said marriage is stated



to be contrary to the wishes of the parents of the victim and she went to her matrimonial home after the marriage, where she lived with her husband and parents-in-law, namely Sh. Rameshwar Dayal and Smt. Usha Devi.

5. On 12th June, 2013, information was received that the Victim *i.e.*, Kavita has committed suicide by hanging herself from the hook of the ceiling fan with a saree. Thereafter, she had been moved to the hospital where she was declared brought dead.

6. Subsequently, **FIR No. 191/2013** dated 13th June 2013 was registered at P.S. Vikas Puri. The accused persons had pleaded not guilty and claimed trial. During the course of the trial, prosecution led evidence and 19 witnesses were examined including the sister of the victim. The Trial Court came to the conclusion that offences under Sections 498A and 304B of Indian Penal Code, 1860 (hereinafter, '*IPC*') were not made out.

7. According to the Trial Court, there is no evidence available on record to establish cruelty or harassment by the accused persons that too in connection with dowry. Reliance was placed by the Trial Court on the suicide note of the victim *i.e.*, Ex. PW16/E which in effect constituted a dying declaration wherein she does not speak about any cruelty or harassment. Accordingly, the Trial Court acquitted the accused persons. The relevant portion of the impugned judgment reads as under:

*"55. In view of the above-mentioned circumstances, I am of the considered opinion that there is no evidence available on record to indicate that the accused persons treated the deceased with cruelty after the marriage. There is no evidence available on record to establish that soon before her death, the deceased was treated with cruelty or harassment by the accused persons and that is too in connection with any demand of dowry. **The***



suicide note Ex.PW-16/E which is relevant under Section 32 (I) of the Evidence Act being dying declaration, also does not speak about anything about the cruelty or harassment or demand of dowry by the accused persons. There is also no evidence available on record to suggest that the accused persons compelled the deceased in any manner whatsoever to take the extreme step of ending her life. Consequently, the prosecution could not establish or prove or show the essential ingredient of the offence punishable under Section 304B IPC so as to raise presumption under Section 113B of the Evidence Act against the accused persons. The prosecution also could not establish that the deceased was treated with cruelty or was harassed in any manner whatsoever, by the accused persons so as to hold them responsible for the offence punishable under Section 498A IPC. Furthermore, there is not a single evidence available on record to indicate any abetment by the accused persons, in any form, to compel the deceased to commit suicide so as to hold the accused persons responsible for commission of offence under Section 306 IPC. Since the prosecution failed to establish the essentials ingredients of offence under Section 304B IPC so as to raise the presumption under Section 113B of Evidence Act, no question arises for rebuttal of such presumption by the accused persons. Consequently, the points for determination no. (d) to (h) are decided against the prosecution. **I accordingly acquit all the accused persons namely Manoj Kumar, Rameshwar Dayal and Usha Devi of the offence punishable under Section 498A and 304B IPC.**”

8. The present appeal has been preferred by the mother of the Victim.

Submissions on behalf of the parties

9. The submission by Id. Counsel for the Victim’s mother is that, if not a



case under Section 498A of the IPC, the present case would be a case made out under Section 306 of the IPC. Ms. Dubey, Id. Counsel appearing for the Victim on behalf of the DHCLSC has taken the Court through certain diary entries which were made by the Victim in her personal diary to argue that the Victim had expressed enormous frustration against the manner in which she was treated and the same constitutes mental cruelty leading to abetment of suicide.

10. On the other hand, Id. Counsel appearing for the accused persons submits that the diary entries of the Victim in fact show that there was no cruelty inflicted upon the Victim and it was due to her own frustration that she committed suicide. Id. Counsel for the accused persons submits that the same also was an unfortunate circumstance in the life of the accused persons as well.

11. Mr. Vali, Id. APP submits that the State has not preferred any appeal in this matter, however, he also refers to the diary entries which are written by the Victim.

Analysis and Findings

12. The Court has considered the diary entries which were written by the victim. In fact the suicide note which has also been extracted in the judgement passed by the Trial Court reads as under:

"Main apni zindagi se bahut pareshan ho gayi hu. Jeene ki ikchha bilkul nahi hoi. Main akele rehna bardhasht nahi kar pa rahi hu. Bahut koshish rehne ki, par nahi achcha lagta. Pehie mere saas-sasur ne ma-baop chhodne ko kha or kha ki, turn aisa karogi, to hum tumhe bahu jaise rakhege, par aisa nahi hua. Saas-sasur aur puro parivar mujhe akela chhodh kar chale



gaye. Mujhse saha nahi gaya, isliye main apni zindagi bus yahin khatam kar rahi hu. Ab aur nahi raha jata, apne parivar ke bina. Main apne purey parivar ko ek saath dekhna chahati hu, par parivar wale samajhtey hai ki main ghar tod dunggi. Main marte waqt yehi kehna chahti hu ki main aisa nahi chahati hu. Main aap sab se bahut pyar karti hu aur main apne pati yahi kehna chahati hu ki main aap se apne liye thoda sa waqt chahati hu jo aapke paas nahi hai. Par main aapse bahut pyar karti hu aur marne ke baad bhi karti rahungi." I Love you hamesha.

English Translation:

"I am fed up with my life. I have no desire to live at all. I am unable to tolerate living alone. I have tried a lot to live, but I do not like it. First, my mother-in-law and father-in-law asked me to leave my parents and also said that if you do so, they will treat me as their daughter-in-law, but it did not happen. My mother-in-law and father-in-law and whole family left me alone. I could not bear it. So I am ending my life. I cannot tolerate any more without my family. I want to see my whole family together, but my family members think that I will break up the family. At the time of my death, I want to say that I do not wish so. I love you all very much and I want to tell my husband that I want some time from you which you do not have. Still, I love you very much and will keep on loving after death." I Love you, forever."

13. Perusal of the above would show that the Victim had a lot of attachment to the in-laws as well as to her husband. In fact the diary entries which are also placed on record would show similar attachment where she wanted to believe her father-in-law and mother-in-law to be her real parents and she walked out of the parental home upon their representation. The diary notes



made by the Victim also reveal the extent to which she had affection towards her husband and in-laws. However, there is also a state of frustration expressed due to some everyday arguments she used to have with her husband. The notes also express sadness towards her own family whom she is unable to meet regularly and she had to meet her sister only in some public area. A reading of the notes makes it clear that though she had some disappointment with her husband and in-laws it was momentary and she expressed a lot of warmth towards them as well.

14 A perusal of the suicide note as also the two diary notes would show that the Victim may have had certain matrimonial issues with her husband. However, the questions that arise in the present case would be whether the accused persons were rightly acquitted under Sections 498A and 304B of the IPC or not and whether the accused persons should be convicted under Section 306 of the IPC.

15. The suicide note of the Victim itself shows that there is no allegation of dowry demands or any violence against the Victim. Insofar as Section 306 of the IPC is concerned, the question would be whether the diary note which is undated could be sufficient to hold there was abetment to suicide or not.

16. The Supreme Court in the decision in **Gangula Mohan Reddy v. State of A.P., (2010) 1 SCC 750** while dealing with the issue of abetment under Section 306 of the IPC, observed as under:

“15. In the instant case, the deceased was undoubtedly hypersensitive to ordinary petulance, discord and differences which happen in our day-to-day life. Human sensitivity of each individual differs from the other. Different people behave differently in the same situation.

16. This Court in Chitresh Kumar Chopra v. State (Govt.



of NCT of Delhi) [(2009) 16 SCC 605 : (2009) 11 Scale 24] had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the words “instigation” and “goading”. **The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the other. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.**

17. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he committed suicide. ”

17. Further, the Supreme Court in the decision in ***Ude Singh v. State of Haryana, (2019) 17 SCC 301***, observed as under:

“15. Thus, “abetment” involves a mental process of instigating a person in doing something. A person abets the doing of a thing when:

- (i) he instigates any person to do that thing; or***
- (ii) he engages with one or more persons in any conspiracy for the doing of that thing; or***
- (iii) he intentionally aids, by acts or illegal omission, the doing of that thing.***

These are essential to complete the abetment as a crime.



The word “instigate” literally means to provoke, incite, urge on or bring about by persuasion to do anything.

16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence.

Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. *For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of the accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-*



respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.

16.2. *We may also observe that human mind could be affected and could react in myriad ways; and impact of one's action on the mind of another carries several imponderables. Similar actions are dealt with differently by different persons; and so far a particular person's reaction to any other human's action is concerned, there is no specific theorem or yardstick to estimate or assess the same. Even in regard to the factors related with the question of harassment of a girl, many factors are to be considered like age, personality, upbringing, rural or urban set-ups, education, etc. Even the response to the ill action of eve teasing and its impact on a young girl could also vary for a variety of factors, including those of background, self-confidence and upbringing. Hence, each case is required to be dealt with on its own facts and circumstances. ”*

18. As per the above judgements, there has to be positive encouragement or incitement to commit suicide for a conviction under Section 306 IPC. Some compelling circumstance has to be shown where the accused would have led



her to commit suicide. There is no such incident, except some emotional outburst in the notes. The mental state of the victim of affection and warmth towards husband and in-laws but at the same time some sense of disappointment, is not sufficient to convict under abetment of suicide. In the present case, there may have been matrimonial discord but there were no demands of dowry and the victim also expresses affection towards her husband and in-laws. She seems to be disappointed with certain incidents of bickering with the husband but the same cannot be held to constitute positive acts of incitement to commit suicide.

19. Accordingly, as per the settled law in the abovementioned decisions, the suicide note as also the diary notes of the Victim would not be sufficient to constitute abetment to suicide under Section 306 of the IPC.

20. There can be no doubt that a young life coming to an end is indeed unfortunate. The victim's mental state cannot be understood as held in the decisions extracted above. The notes left behind cannot constitute conduct on part of husband or in-laws to constitute abetment of suicide. Accordingly, no interference is called for in the impugned judgment.

21. The present appeal is dismissed. Pending applications, if any, are also disposed of.

22. Personal/Bail bond and surety of the Respondents are discharged.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

SEPTEMBER 29, 2026/ss/ck