



* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

*Reserved on: 01st May, 2025
Pronounced on: 10th July, 2025*

+

CRL.A.69/2021

1. **SHIV SHANKAR**

S/o Sh. Kishan Lal

R/o B-290, Main 20 Futa Road, Maha Laxmi

Enclave, Karawal Nagar, Delhi-110094

.....Appellant

Through: Appearance not given

Versus

1. **STATE**

Through Prosecution Branch

Delhi High Court

2. **RAM AVTAR**

S/o Ram Dulara

R/o H.No. 1476, G.N. 16,

H Block, Sangam Vihar, Delhi

3. **LAYAK SINGH**

S/o Ram Dulara

R/o H.No. 1476, G.N. 16,

H Block, Sangam Vihar, Delhi

4. **BIHARI LAL**

S/o Ram Dulara

R/o H.No. 1476, G.N. 16,

H Block, Sangam Vihar, Delhi

5. **JAIVEER SINGH**

S/o Ram Dulara

R/o H.No. 1476, G.N. 16,

H Block, Sangam Vihar, Delhi

6. **URMILA @ DHANDEVI**

W/o Late Vijay Singh

CRL.A.69/2021

Page 1 of 14



R/o H.No. 1476, G.N. 16,
H Block, Sangam Vihar, Delhi
.....Respondents

Through: Mr. Shoaib Haider, Additional Public
Prosecutor for Respondent-State with
SI Satish Kumar
Mr. Aashish George & Mr.Jibin Jose,
Advocates for Respondents No.2 to 6

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Appeal under Section 372 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as the "Cr.P.C."*) has been filed by the Appellant Shiv Shankar, father of the deceased Vijay Singh to challenge the Judgment dated 24.02.2020 passed by the Ld. ASJ acquitting the Respondents No. 2 to 6 for the offence punishable under **Sections 306/34 IPC** arising out of FIR No. 0079/2011 dated 21.03.2011 registered at P.S. Karawal Nagar.
2. **Brief facts** are that information about suicide by a boy at D-Block, Mahalaxmi Enclave near Maharana Pratap School, was received at P.S. Karawal Nagar vide DD No. 23A. ASI Anil Kumar reached the spot and found one Vijay Singh, S/o Shiv Shankar (Appellant) had committed suicide. No suicide note was found near the scene of crime.
3. Proceedings under Section 174 Cr.P.C. were carried out. On 03.05.2010, the Appellant handed over the Suicide Note to ASI Anil wherein the wife and her family members had been accused by the deceased of harassing him and compelling him to take this extreme step and sought that they be punished.

CRL.A.69/2021

Page 2 of 14



4. FIR No. 0079/2011 dated 21.03.2011 under Sections 306/34 IPC on the directions of Ld. MM in an Application under Section 156(3) Cr.P.C. , was registered.
5. Due investigations were carried out after which the charge-sheet was filed against Ram Avtar, Layak Singh, Bihari Lal, Jaiveer Singh, Ram Dulara, Reshma Devi and Urmila @ Dhandevi. The proceedings abated against Ram Dulara and Reshma Devi, who were discharged *vide* Order dated 24.10.2016.
6. The **Charges** against the remaining Accused-Ram Avtar, Layak Singh, Bihari Lal, Jaiveer Singh and Urmila @ Dhandevi were framed under Sections 306/34 IPC, on 24.10.2016.
7. The *prosecution in support of its case, examined 18 witnesses* out of whom the most important was PW-1 Shiv Shankar/Appellant, father of the deceased, who deposed that a quarrel had taken place on 02.05.2010 between the deceased, Vijay Singh and Urmila @ Dhandevi. *PW-2 Gayatri Devi, mother of the deceased*, Vijay Singh also deposed about the harassment of the deceased by Urmila @ Dhandevi and her brothers. She also narrated the incident of quarrel which took place between the deceased and his wife, Urmila on 02.05.2010. *PW-11 Dr. Neha Gupta* conducted the post-mortem report and opined that the cause of death was asphyxia due to ante mortem hanging. *PW-18 Sh. Anurag Sharma*, Handwriting Expert gave his Report confirming the Suicide Note to be in the handwriting of the deceased. *PW-7 ASI Anil Kumar* reached the spot on 02.05.2010 on receiving the DD No. 23A about the incident. He also deposed about receiving the suicide note from the Appellant on 03.05.2010.



8. The statement of the Respondents/Accused were recorded ***under Section 313 Cr.P.C.***, where they pleaded their innocence. No defence evidence was led by any of the Accused.

9. The Ld. Trial Court *vide* Judgment dated 24.02.2020 acquitted all the Accused.

10. *Aggrieved by the judgment, the present Appeal has been filed by the father of the deceased.*

11. The ***grounds of Appeal*** are that the Suicide Note Ex. P-1, which was in the handwriting of the deceased, clearly stated that the extreme step of suicide was taken by him on account of the conduct of his wife and her family members. The contents of Suicide Note were fully corroborated by the testimony of PW-1 and PW-2, parents of the deceased. Their evidence was not only consistent, cogent and unwavering giving the reason for suicide by the wife, but also about the harassment and threats given by the wife and her brothers about the false implication of the deceased and his family members in a dowry case.

12. It is asserted that the Ld. ASJ that undue weightage has been given to minor discrepancies in testimony of the prosecution witnesses, which were of little consequence as the case of the prosecution largely depended on the Suicide Note. Merely because the Suicide Note was not handed over on the day of incident i.e. 02.05.2010, but on the next date i.e. 03.05.2010, cannot be a reason to discard or to discount the significance of the Suicide Note even if it is accepted that it was not recovered from the pocket of the deceased.

13. It has not been appreciated that the positive act on the part of the Respondents/Accused to abet the deceased for suicide is evident from the



Suicide Note. PW-1 and PW-2 had deposed that there was a quarrel between the deceased, Vijay Singh and his wife Urmila @ Dhandevi on the date of incident i.e. 02.05.2010, which is stated in the Suicide Note as well.

14. The Ld. Trial Court has wrongly observed in paragraph 12 of the Judgment dated 24.02.2020 that deceased had not mentioned about any act of his wife or her brothers on the day of the incident i.e. 02.05.2010 proximate to the day of committing the suicide. These observations are incorrect as the deceased had stated in his Note that it was only because of the threats extended by the Accused persons which forced him to commit suicide.

15. In paragraph 14, it has been wrongly observed that non-filing of any Complaint by the wife against the deceased or his family members when she tried to commit suicide, raises a probability that no such threats were extended. These observations are also claimed to have been erroneously arrived in the circumstances of the case.

16. *It is therefore submitted that the impugned judgment is liable to be set aside and the Respondents No. 2 to 6 are liable to be convicted.*

17. **Submissions heard and record perused.**

18. The deceased Vijay Singh committed suicide on 02.05.2010 by hanging, the information of which was received vide DD No. 23A, which led to the registration of FIR No. 0079/2011 and the consequent charge-sheet.

19. Essentially, the entire case of the prosecution hinges on the testimony of PW-1 Shiv Shankar, father of the deceased and PW-2 Gayatri Devi, mother of the deceased. They both in their respective testimony have deposed that the deceased got married to Accused Urmila @ Dhandevi on



17.04.2008. The Respondents-Ram Avtar, Layak Singh, Bihari Lal, Jaiveer Singh are the brothers of wife of the deceased.

20. PW-1 Shiv Shankar deposed that after marriage, Urmila @ Dhandevi lived happily in the matrimonial home at Karawal Nagar for some days. Thereafter, she started creating problems by having quarrel with him, his wife and his sons. When he complained to the family members of Urmila @ Dhandevi, they told that she was the only sister and would do whatever she wanted to. He hoped that with the passage of time, things would become normal but to his disappointment, nothing improved. The attitude of Urmila @ Dhandevi and her brothers continued to be same. Whenever he made complaint of her behaviour, she used to quarrel and even threatened to send them to jail. In fact, she tried to commit suicide on many occasions. At one time, she locked herself in the kitchen and threatened to burn herself by lighting the gas. She even consumed acid on another occasion for which she was treated for many days. Because of her conduct, the witness remained disturbed and frightened. Urmila @ Dhandevi had ruined the atmosphere of the house. She was instigated by her brothers all the time. The son used to remain tense and weep many a times. He always complained about the behaviour of Urmila @ Dhandevi to him.

21. On 02.05.2010, the deceased, Vijay Singh had a quarrel with his wife, Urmila at about 6.00 PM. When Appellant-PW-1, Shiv Shankar tried to intervene, she quarrelled with him as well. Thereafter, the deceased went to his room on second floor. At about 7.00 PM, his wife PW-2 Gayatri Devi on not getting any response, went to his room. She along with the family members peeped through the door of the staircase and found him hanging from the ceiling. He also deposed that a Suicide Note was recovered from



the pocket of the deceased son, which he handed over to the Police and was exhibited as Ex. P-1, diary is Ex. P-2 and the Notebook is Ex. P-3.

22. In the cross-examination, PW-1 was questioned about the quarrel and the alleged harassment by Urmila @ Dhandevi. He deposed that for 3-4 months after marriage, everything remained normal. However, after 2-3 visits to her paternal home, the problem started. She stopped cooking food in the house. The family members of Urmila @ Dhandevi were called to whom the complaint was made, but the brothers told that she would not cook food as she has never done so in their home and she was the only sister in the house. The issue was discussed with the relatives of the Accused persons but no solution could be found. Thereafter, he again spoke to the family members of Urmila @ Dhandevi, who told that she was immature at that time and things would improve with the passage of time.

23. In his cross-examination, PW-1 clarified that she had consumed acid but there was no such mention in the statement Ex. PW-1/D and PW-1/DX-1 of PW-1 recorded during the investigations. PW-1 admitted that no complaint was made to the Police that they were being threatened by Urmila @ Dhandevi to be implicated falsely in dowry case. The medical documents of GTB Hospital were produced to prove that she underwent treatment at LNJP Hospital on 17.01.2009 and also in GB Pant Hospital, which were exhibited as Ex. PW-1/DX-2, collectively.

24. PW-1 further admitted that after the said incident, none of the Accused persons filed any complaint against any family member. He also admitted that he did not hear the conversation between his son and Urmila @ Dhandevi on the fatal date of 02.05.2010 after which Vijay Singh committed suicide. He denied the suggestions that the deceased was in love



with some other girl and since the PW-1 did not let him marry her, he went into depression and committed suicide.

25. PW-2 Gayatri Devi, mother of the deceased, Vijay Singh has also deposed on similar lines.

26. PW-2 in her cross-examination admitted that she did not advise her husband not to file any complaint against the Accused in the hope that things would improve with the passage of time. No complaint was ever lodged against them by the family members of Urmila @ Dhandevi. She also denied that the deceased had been compelled by them to commit suicide.

27. The offence under *Section 306 IPC* deals with abetment of suicide. It provides that if any person abates the commission of suicide, he shall be punished with the imprisonment as provided therein. Therefore, the most essential ingredient required to be established for bringing home the offence under Section 306 IPC, is abetment.

28. The term '*abetment*' is defined under Section 107 IPC, according to which, *a person would abate if he instigates, encourages or enters into a conspiracy for doing a thing or if he intentionally aids by any act or illegal omission for doing that thing.*

29. **Section 114 IPC** is an explanation or clarification to Section 107 IPC. It provides that whenever any person is absent but was present when the offence in consequence of abatement is committed, he shall be deemed to have committed such an act or offence and would be liable for punishment as an abetter.

30. The Apex Court in Ramesh Kumar v. State of Chhattisgarh, (2001) 9 SCC 618, held that the term '*instigate*' means to goad, urge, provoke, incite or encourage to do 'an act'. For instigation, it is not required that the actual



words must be used to that effect or the words should be specifically suggestive of the consequences. To satisfy the requirement of the ‘instigation’ it is important that the act/omission or by the continued course of conduct, a situation is created, where the deceased is left with no other option except to commit the suicide. A word uttered in a fit of anger or emotion without intending the consequences to actually follow cannot be said to be ‘instigation’.

31. In Chitresh Kumar Chopra v. State (NCT of Delhi), (2009) 16 SCC 605, relying upon Ramesh Kumar (supra), the Apex Court has held as under;

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.

32. In Amalendu Pal v. State of W.B., (2010) 1 SCC 707, the Apex Court has observed that for an offence under Section 306 IPC, *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.*



33. Similarly in Rajesh v. State of Haryana, (2020) 15 SCC 359, the Apex Court has refused to convict an accused under Section 306 and 107 IPC *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 the suicide.*

34. In the light of the aforesaid judgments, it is abundantly clear that to constitute abetment, there has to be instigation, encouragement or aid in committing of an act, which leads to commission of suicide.

35. PW-1 Shiv Shankar and PW-2 Gayatri Devi, parents of the deceased have deposed that the daughter-in-law Urmila @ Dhandevi had refused to cook the food and when they had taken up this matter with her family members, they had claimed that since she has not ever cooked the food in the house, she cannot be compelled. They also did not file any formal Complaint hoping that things would improve in future. There is no other act of alleged cruelty, which has been deposed about by PW-1 and PW-2.

36. The other facts about which they have deposed is that Urmila @ Dhandevi had attempted to commit suicide many a times by trying to burn herself from a gas cylinder and also by consuming acid, as was proved by medical documents Ex. PW-1/DX-2 of LNJP Hospital.

37. The testimony of PW-1 and PW-2 rather shows that Urmila @ Dhandevi had certain issues in the matrimonial home and it is she, who had been attempting to commit suicide. Her attempt to commit suicide, only reflects her mental state and unhappiness, but it establishes no act that can be termed as an act of cruelty towards the Appellant and his family. Admittedly, her alleged acts of cruelty in attempting to commit suicide was never reported by the Appellant, Shiv Shankar or his family members to the



Police by way of complaint. Pertinently, no such complaint of harassment had been filed by Urmila @ Dhandevi as well against the Appellant, Shiv Shankar and his family members. Though the Appellant, Shiv Shankar has claimed a marital discord between the deceased and his wife but no such cogent evidence has been brought forth on record.

38. Both PW-1 Shiv Shankar and PW-2 Gayatri Devi had deposed that on 02.05.2010 at about 6.00 PM, the deceased had a quarrel with his wife and thereafter, he went and committed suicide. However, both the witnesses were unable to give any detail about the quarrel or depose about the matter in respect of which the quarrel took place. In the absence of any evidence of there being any kind of instigation, encouragement or aiding on the part of the Respondents No. 2 to 6, it cannot be said that they were guilty of any act, which could be termed as abetment to drive the deceased to commit suicide.

39. The next aspect which merits consideration is the Suicide Note Ex.P-1, was not recovered on 02.05.2010 on the date when he committed suicide and the Police commenced investigations. Pertinently, as per PW-1, Shiv Shankar, it was recovered from the pocket of the deceased on the next day. Had it been in the pocket of deceased, no explanation is forthcoming as to why it was not recovered by the Police on that day itself. The Suicide Note has been handed over by PW-1 on the next day i.e. 03.05.2010 to the Police. However, the manner in which the Suicide Note was recovered on the next day may be overlooked, considering that it was proved by PW-18 Sh. Anurag Sharma, Handwriting Expert to be in the handwriting of the deceased, Vijay Singh.



40. The next question which arises is whether the Suicide Note in itself proves any kind of abetment by the Appellant. The Suicide Note Ex. P-1, reads as under: -

मैं विजय s/o श्री रवि शंकर यह काम में मजबूरी में कर रहा हु। क्यो कि एक तरफ मेरा पूरा परिवार है जो की बहुत बड़े संकट से जूझ रहा है।

मेरी मौत का कारण मेरी पत्नी शर्मीला धन देवी है क्यूंकि यह कई बार मुझे और मेरे घरवालों को दहेज के केस में फ़साने की धमकी दे चुकी है, और इसके भाई, बिहारी लाल , जयवीर, रामअवतार लायक सिंह इसमें जिम्मेदार है मुझे कई बार अपने भाइयों से धमकी दिलवा चुकी है मेरी पत्नी शर्मीला।

इसके भाइयों ने कहा था की जो मेरी बहन चाहेगी वही करेगी अगर उसे कुछ कहा तो मैं तुम सब को दहेज के केस में फसा दूंगा। मेरी मौत के जिम्मेदार – मेरे सभी ससुरालवाले हैं इन्हे कड़ी से कड़ी सजा दी जाए और मैं अपने मम्मी पापा और भाइयों से यह कहना चाहता हूँ के मैं हमेशा तुम्हे याद करूंगा और सदैव तुम्हारे साथ रहूंगा।

मम्मी मैं भगवान् से यही दुआ करूंगा कि मुझे अगले जन्म में तुम ही मिलना और पापा भी।

पापा मेरे पास इसके अलावा कोई चारा नहीं है मैं खुदखुशी कर रहा हूँ।

क्योकि शर्मीला कई बार मुझे भी धमकी दे चुकी है और अगर इसने कुछ कर लिया तो सबका भविष्य खराब होगा अभी तो बस मेरा ही है लेकिन वादा करो की मेरे ससुरालियों को सजा दिलवाना।

तुम्हारा विजय ,

आप सबको मेरा अन्तिम प्रणाम

41. From the perusal of the Suicide Note, no act of incitement on the part of the Respondents No. 2 to 6 *proximate* to the date on which the deceased



committed suicide can be made out. Pertinently, the suicide note has no date, which creates a doubt of it having been written at the time of committing suicide. The possibility of this Suicide Note having been written on some earlier date out of dejection, cannot be ruled out. The Suicide Note neither spells out any circumstance, which can be labelled as abetment on the part of the Respondents No. 2 to 6 nor does it disclose any proximate reason for the suicide. There are general allegations of continuous threats of false implication in dowry cases. It may be a case where the deceased was unhappy and dejected with his marriage but definitely, no act of abetment can be made out either from the suicide note or from the testimony of the parents.

42. The only allegation being made was that the wife, Urmila used to threaten the deceased, Vijay Singh that he and his family members would be implicated in false dowry case and that she also used to get those threats extended through her brothers. Such vague assertions cannot be sufficient to prove that without their being any specific incident or dates to conclude them to be acts of abetment.

43. The Ld. ASJ has rightly concluded that there was no positive action on the part of the Accused that can be said to have created a situation for the victim Vijay to put an end to his life.

44. There is no merit in the Appeal, which is hereby dismissed.

45. Pending Applications, if any, also stands disposed of.

(NEENA BANSAL KRISHNA)
JUDGE



JULY 10, 2025/N