



Reserved on : 17.06.2025
Pronounced on : 25.06.2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.7620 OF 2024

BETWEEN:

VARUN G. A.,
S/O G.C.ANANDA
AGED ABOUT 28 YEARS
RESIDENT OF NO.2346
3RD CROSS ROAD
GANDHINAGARA
MANDYA – 571 401.

... PETITIONER

(BY SRI RAVI B.NAIK, SENIOR ADVOCATE FOR
SRI VACHAN G. A., ADVOCATE)

AND:

1 . THE STATE OF KARNATAKA
REPRESENTED BY
HEBBAGODI POLICE STATION
BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU – 560 001.

2 .

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL. SPP FOR R1;
SRI B.RUDRESH, ADVOCATE FOR
SRI VASANTHA KUMARA, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE ENTIRE CHARGE SHEET AND PROCEEDINGS IN C.C.NO.3016/2024 FILED BEFORE THE IV ADDL. CIVIL JUDGE (JR.DN.) AND JMFC COURT, ANEKAL BENGALURU RURAL DISTRICT, FOR THE OFFENCES P/U/S 306 OF IPC AND SEC. 66(E) AND 67(A) OF I.T. ACT, FILED BY THE RESPONDENT NO.1 HEBBAGODI POLICE.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17.06.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

The petitioner is before this Court calling in question proceedings in C.C.No.3016 of 2024 pending before the IV Additional Civil Judge (Junior Division) and JMFC, Anekal, Bengaluru Rural District arising out of crime in Crime No.752 of 2023 registered for offences punishable under Section 306 of the IPC and

Sections 66E and 67A of the Information Technology Act, 2008 ('the Act' for short).

2. The skeletal facts, though tragic in their unfolding, are as follows:-

The petitioner and the daughter of the complainant are said to be classmates in P.E.S. Engineering College, Mandya and the daughter of the complainant then began to work as a Business Analyst in MERK Company at Bangalore and was residing in a particular apartment for 1½ years prior to the date of registration of the complaint. The daughter of the complainant was said to be living alone for close to one year. A complaint comes to be registered against the petitioner for the afore-quoted offences. The fulcrum of the allegation is that the petitioner and the daughter of the complainant had a relationship for over 3 years and the relationship had resulted in certain assurances of marriage or otherwise and there were financial transactions too between the petitioner and the daughter of the complainant. On a particular day i.e., on 28-12-2023 it appears that the daughter of the complainant commits suicide and abetment to such suicide is laid on the

petitioner on the score of aforesaid relationship. It then becomes a crime in Crime No.752 of 2023 initially only for offence punishable under Section 306 of the IPC. The Police conduct investigation and the investigation leads to filing of charge sheet retaining Section 306 IPC and adding Sections 66E and 67A of the Act. Pursuant thereto, the concerned Court registers C.C.No.3016 of 2024 for the afore-quoted offences. Filing of the charge sheet is what has driven the petitioner to this Court in the subject petition.

3. Heard Sri Ravi B.Naik, learned senior counsel appearing for the petitioner, Sri B.N. Jagadeesha, learned Additional State Public Prosecutor appearing for respondent No.1 and Sri B.Rudresh, learned counsel appearing for respondent No.2.

4. Learned senior counsel Sri Ravi B.Naik appearing for petitioner would vehemently contend that the petitioner cannot be alleged of abetment to suicide, as the complaint itself narrates that the petitioner had hurled certain abuses against the daughter of the complainant uttering 'go and die' and 'do whatever you want'. This, according to learned senior counsel, cannot become abetment to

suicide. He would further contend that the daughter of the complainant had gone into depression due to severe loss of investments in shares and had also got hypothyroidism which caused her severe health problems. All these would not amount to an offence of abetment of suicide.

5. Per contra, the learned counsel appearing for the 2nd respondent/complainant would vehemently contend that the daughter of the complainant and the petitioner had a relationship is an admitted fact. The daughter of the complainant and the petitioner together, on the say of the petitioner, had invested huge sums in the shares. That is besides the point. Since they were in a relationship, the petitioner has tortured the daughter of the complainant holding all nude pictures of hers in his mobile and blackmailing the daughter of the complainant to part with money from time to time. On the fateful day, on the terrace, the petitioner fought with the daughter of the complainant and the fight led to the daughter of the complainant jumping from the 6th floor and committing suicide. Therefore, it is not a case of utterance of 'go and die' but constant torture and blackmail holding several pictures

and blackmailing for the purpose of extortion of money from the hands of the daughter of the complainant. He would submit that the Police have filed a charge sheet and it is for the petitioner to come out clean.

6. Learned Additional State Public Prosecutor would take this Court through the charge sheet and the statements or even the FSL report of the pictures from the mobile phones of the petitioner and that of the daughter of the complainant. He would contend that if it is a simple case of utterance of 'go and die', there would be no case for the prosecution, as the last fight between the petitioner and the daughter of the complainant led to suicide of the daughter of the complainant. Therefore, it is a matter of trial for the petitioner to come out clean. The pictures that the petitioner had captured in his mobile which are deciphered by the FSL are horrendous and holding those nude pictures of the daughter of the complainant, the petitioner threatened and extorted money close to ₹51/- lakhs. Therefore, the matter must be tried and it is there the petitioner has to prove his innocence.

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 are not in dispute. The relationship between the petitioner and the deceased is a matter of record. They were in a relationship for about three years. Financial transaction between the two is also a matter of record. The transaction goes up to ₹51/- lakhs. It is also the revelation in the complaint filed by the father of the deceased that there were constant fights between the two and the relationship did not take the deceased anywhere, as the petitioner has constantly avoided fulfilling his promise of marriage despite having physical relationship with the deceased. The deceased on 28-12-2023 is said to have jumped from the 6th floor of the apartment and committed suicide. The last person who was with the deceased was the petitioner. Fight had erupted between the two and that fight led to several abuses including the abuse of 'go and die' or 'do whatever you want'. On the death of the daughter of the

complainant the father registers the crime. The complaint reads as follows:

“ರವರಿಗೆ:

ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್
ಹೆಬ್ಬಗೂಡಿ ಪೊಲೀಸ್ ಸ್ಟೇಷನ್
ಅನೇಕಲ್ ತಾಲ್ಲೂಕು
ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ

ಮಾನ್ಯರೇ,

ವಿಷಯ:- ನನ್ನ ಮಗಳಾದ ಎಂ.ಎನ್. ನಿಧಿಶ್ರೀ ರವರು ಅಪಾರ್ಟಮೆಂಟ್ ಮೇಲಿನಿಂದ
ಬಿದ್ದು ಸಾವನ್ನು ಅಪ್ಪಿರುವ ಬಗ್ಗೆ ಜಿ.ಎ. ವರುಣ್ ಎಂಬ ವ್ಯಕ್ತಿಯ ಮೇಲೆ
ಅನುಮಾನವಿರುವುದರಿಂದ ಆತನನ್ನು ಬಂಧಿಸಿ ತನಿಖೆಗೆ
ಒಳಪಡಿಸಬೇಕೆಂದು ಕೋರಿ ಮನವಿ.

ಈ ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಎಂ.ಕೆ. ನಾಗಾನಂದ ನಾದ ನಾನು ತಮ್ಮ ಗಮನಕ್ಕೆ
ತರಬಯಸುವುದೇನೆಂದರೆ ನನ್ನ ಮಗಳಾದ ಎಂ.ಎನ್ ನಿಧಿಶ್ರೀ ಯು ಮಂಡ್ಯದ ಪಿ.ಇ.ಎಸ್ ಇಂಜಿನಿಯರಿಂಗ್
ಕಾಲೇಜಿನಲ್ಲಿ ವ್ಯಾಸಂಗ ಮಾಡಿ ಬಿ.ಇ ಪದವಿ ಪಡೆದು ನಂತರ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಎಂ.ಇ.ಅರ್.ಕೆ ಕಂಪನಿಯಲ್ಲಿ
ಕಳೆದ 3 ವರ್ಷದಿಂದ ಬಿಸಿನೆಸ್ ಅನಾಲಿಸಿಸ್ ಆಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಿದ್ದು ಹುಳಿಮಂಗಲದ ಸ್ಕಾಂಜಾ
ಲೀವಿಂಗ್ ಅಪಾರ್ಟಮೆಂಟ್ ನಲ್ಲಿ ಕಳೆದ 1 1/2 ವರ್ಷದಿಂದ ವಾಸವಿದ್ದಳು. ಇವಳ ಜೊತೆ ಪ್ರಾರಂಭದಲ್ಲಿ
ಸಿರಿಶಾ ಎಂಬ ವಿದ್ಯಾರ್ಥಿನಿಯು ಸೇರಿ ಮನೆ ಮಾಡಿಕೊಂಡು ಇದ್ದು ನಂತರ ಕಳೆದ 7 ತಿಂಗಳ ಇಂದೇ ಸಿರಿಶಾ
ರವರು ಹೆಚ್ಚಿನ ವ್ಯಾಸಂಗಕ್ಕೆ ವಿದೇಶಕ್ಕೆ ಹೋಗಿದ್ದರ ಹಿನ್ನೆಲೆ ಯಲ್ಲಿ ನನ್ನ ಮಗಳು ಒಬ್ಬಳ ಮನೆಯಲ್ಲಿ
ಇರುತ್ತಿದ್ದಳು ನನ್ನ ಮಗಳು ನಮ್ಮಿಂದ ರೂ.40,00,000-00 (ನಲವತ್ತು ಲಕ್ಷ) ರೂಪಾಯಿಗಳನ್ನು ಪಡೆದು ಷೇರು
ವ್ಯವಹಾರ ನಡೆಸುವುದಾಗಿ ಪಡೆದು ಟ್ರೇಡಿಂಗ್ ನಡೆಸುತ್ತಿರುವುದು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರಬಯಸುತ್ತೇನೆ. ಈ
ನಡುವೆ ನನ್ನ ಮಗಳ ಜೊತೆ ಜಿ.ಎ. ವರುಣ್ ಎಂಬ ಹುಡುಗನ ಜೊತೆ ಲಿವಿಂಗ್ ಟುಗೇದರ ಇರುವುದು ನಮಗೆ
ಈಗ ಕೇಳಿ ಬಂದಿರುತ್ತದೆ. ಈ.ಎ. ವರುಣ್ ರವರು ನನ್ನ ಮಗಳ ಜೊತೆ ಸೇರಿ ಟ್ರೇಡಿಂಗ್ ವ್ಯವಹಾರ
ನಡೆಸುತ್ತಿದ್ದು. ಎಂದು ತಿಳಿದುಬಂದಿದ್ದು ನನ್ನ ಮಗಳಿಗೆ ತಲೆಕೆಡಿಸಿ ಅವರಿಂದ ಹಣ ದುರುಪಯೋಗ ಮಾಡಿರುವ
ಬಗ್ಗೆ ನಮಗೆ ಗುಮಾನಿ ಇರುತ್ತದೆ. ದಿನಾಂಕ:28-12-2023 ರ ರಾತ್ರಿ 2-30ರ ಸಮಯದಲ್ಲಿ ಈತನ ಅವಳ
ಜೊತೆಯಲ್ಲೇ ಇದ್ದುದಾಗಿ ತಿಳಿದುಬಂದಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಈತನನ್ನು ಹೆಚ್ಚಿನ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಸತ್ಯಾ
ಹೊರಬರಬಹುದೆಂದು ನಮಗೆ ಗುಮಾನಿ ಇರುವುದರಿಂದ ದಯಮಾಡಿ ಈತನನ್ನು ಹೆಚ್ಚಿನ ತನಿಖೆಗೆ ಒಳಪಡಿಸಿ

ನನ್ನ ಮಗಳ ಸಾವಿಗೆ ನ್ಯಾಯ ಒದಗಿಸಿಕೊಡಬೇಕೆಂದು ಕೋರುತ್ತೇನೆ. ನನ್ನ ಮಗಳ ಸಾವಿಗೆ ಈತನ ದುಷ್ ಪ್ರೇರಣೆಯೇ ಕಾರಣವಾಗಿರುವುದರಿಂದ ಇವನ ಮೇಲೆ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೋರುತ್ತೇನೆ.

ವಂದನೆಗಳೊಂದಿಗೆ,

ಇಂತಿ ತಮ್ಮ ವಿಶ್ವಾಸಿ

ಸಹಿ

ಎಂ.ಕೆ. ನಾಗನಂದ

ಇಂದ

ಎಂ.ಕೆ. ನಾಗನಂದ

ಬಿನ್ ಲೇಟ್ ಎಸ್. ಕೆಂಪಯ್ಯ

ವಯಸ್ಸು 56 ಒಕ್ಕಲಿಗರು ವ್ಯಾಪಾರ ವೃತ್ತಿ

ವಾಸ ಅನ್ನಪೂರ್ಣೇಶ್ವರಿ ನಗರ

ಕ್ಯಾತುಂಗರೆ ಬಡಾವಣೆ

8ನೇ ಕ್ರಾಸ್, 4ನೇ ಅಡ್ಡರಸ್ತೆ

ಮಂಡ್ಯ - 571 401.

ದಿನಾಂಕ:28-12-23 ರಂದು ಬೆಳಿಗ್ಗೆ 11-00 ಘಂಟೆಗೆ ಪಿರ್ಯಾದುದಾರರು ರಾಣಿಗೆ ಹಾಜರಾಗಿ ನೀಡಿದ ಲಿಖಿತ ಫಿರ್ಯಾದನ್ನು ಪಡೆದು ರಾಣಾ ಮೊ ನಂ.752/2023 ಕಲಂ 306 ಐಪಿಸಿ ರೀತ್ಯಾ ಪ್ರಕರಣ ದಾಖಲಿಸಿರುತ್ತೆ.

ಸಹಿ /-"

The complaint narrates that after the exist of one Sirisha, a girl staying with the deceased, the petitioner began to stay in the same apartment and therefore, they were in a living relationship and that the deceased and the petitioner were in trading business. Apart from financial transaction and living relationship nothing else was narrated in the complaint. The complaint then becomes a crime in

Crime No.752 of 2023 initially for offence punishable under Section 306 of the IPC alone. Pursuant to registration of complaint, investigation is conducted. During the conduct of investigation, the Police recovered laptop and mobile phones of both the deceased and the petitioner and sent them to FSL. The report of FSL is placed before the Court including pictures that the petitioner had shot in his phone and transferred to the laptop. They are absolutely horrendous. Nude pictures of the daughter of the complainant is held on the phone and laptop of the petitioner. All the transactions between the petitioner and the deceased were to the tune of several lakhs and these pictures emerge in the FSL report. On receipt of the report of FSL, the Police Sub-Inspector of Hebbagodi Police Station communicates to the Police Inspector (CEN) enclosing entire report. The communication reads as follows:

“ರವರಿಗೆ,

ಮಾನ್ಯ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು,

ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ,

ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ :ಪ್ರಕರಣದಲ್ಲಿ ಆಮಾನತ್ತು ಪಡಿಸಿಕೊಂಡಿರುವ ಮೊಬೈಲ್ ಫೋನ್ ಗಳನ್ನು ಮತ್ತು ಲ್ಯಾಪ್ ಟಾಪ್ ಗಳ ಡೇಟಾ ರಿಟ್ರಿವ್ ಮತ್ತು ಮೀರರ್ ಇಮೇಜ್ ಅನ್ನು ಸಂಗ್ರಹಿಸಿ ಕೊಡಲು ಕೋರಿ ಮನವಿ.

ಉಲ್ಲೇಖ: ಹೆಬ್ಬಗೋಡಿ ಪೊಲೀಸ್ ಠಾಣಾ ಮೊ. ನಂ. 752/2023 ಕಲಂ 306 ಐಪಿಸಿ,
ದಿನಾಂಕ: 28-12-2023

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ಮೇಲ್ಕಂಡ ವಿಷಯ ಮತ್ತು ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ತಮ್ಮಲ್ಲಿ ಮನವಿ ಮಾಡಿಕೊಳ್ಳುವುದೇನೆಂದರೆ ದಿನಾಂಕ:-28.12.2023 ರಂದು ಬೆಳಿಗ್ಗೆ 11-00 ಗಂಟೆಗೆ ಪಿಯಾದಿದಾರರು ಠಾಣೆಗೆ ಹಾಜರಾಗಿ ನೀಡಿದ ದೂರಿನ ಸಾರಾಂಶವೇನೆಂದರೆ, ನನ್ನ ಮಗಳಾದ ಎಂ.ಎನ್ ನಿಧಿಶ್ರೀಯು ಮಂಡ್ಯದ ಪಿ.ಇ.ಎಸ್ ಇಂಜಿನಿಯರಿಂಗ್ ಕಾಲೇಜಿನಲ್ಲಿ ವ್ಯಾಸಂಗ ಮಾಡಿ ಬಿ.ಇ ಪದವಿ ಪಡೆದು ನಂತರ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಎಂ.ಇ.ಆರ್.ಕೆ ಕಂಪನಿಯಲ್ಲಿ ಕಳೆದ 3 ವರ್ಷದಿಂದ ಬಿಸಿನೆಸ್ ಅನಾಲಿಸಿಸ್ ಆಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಿದ್ದು ಹುಲಿಮಂಗಲದ ಸ್ವಾಮಿಜಾ ಲೀವಿಂಗ್ ಅಪಾರ್ಟ್ ಮೆಂಟ್ ನಲ್ಲಿ ಕಳೆದ 1.1/2 ವರ್ಷದಿಂದ ವಾಸವಿದ್ದಳು. ಇವಳ ಜೊತೆಯಲ್ಲಿ ಪ್ರಾರಂಭದಲ್ಲಿ ಸಿರಿಶಾ ಎಂಬ ವಿದ್ಯಾರ್ಥಿನಿಯು ಸೇರಿ ಮನೆ ಮಾಡಿಕೊಂಡು ಇದ್ದು ನಂತರ ಕಳೆದ 7 ತಿಂಗಳ ಹಿಂದೆ ಸಿರಿಶಾ ರವರು ಹೆಚ್ಚಿನ ವ್ಯಾಸಂಗಕ್ಕಾಗಿ ವಿದೇಶಕ್ಕೆ ಹೋಗಿದ್ದರ ಇನ್ನೆಲೆಯಲ್ಲಿ ನನ್ನ ಮಗಳು ಒಬ್ಬಳೇ ಮನೆಯಲ್ಲಿ ಇರುತ್ತಿದ್ದಳು ನನ್ನ ಮಗಳು ನಮ್ಮಿಂದ ರೂ 40.00000-00 (ನಲವತ್ತು ಲಕ್ಷ) ರೂಪಾಯಿಗಳನ್ನು ಪಡೆದು ಷೇರು ವ್ಯವಹಾರ ನಡೆಸುವುದಾಗಿ ಪಡೆದು ಟ್ರೇಡಿಂಗ್ ನಡೆಸುತ್ತಿರುವುದು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರಬಯಸುತ್ತೇನೆ. ಈ ನಡುವೆ ನನ್ನ ಮಗಳ ಜೊತೆ ಜಿ.ಎ ವರುಣ್ ಎಂಬ ಹುಡುಗನ ಜೊತೆ ಲಿವಿಂಗ್ ಟುಗೆದರ್ ಇರುವುದು ನಮಗೆ ಈಗ ತಿಳಿದು ಬಂದಿರುತ್ತದೆ, ಜಿ.ಎ ವರುಣ್ ರವರು ನನ್ನ ಮಗಳ ಜೊತೆ ಸೇರಿ ಟ್ರೇಡಿಂಗ್ ವ್ಯವಹಾರ ನಡೆಸುತ್ತಿದ್ದರು ಎಂದು ತಿಳಿದು ಬಂದಿದ್ದು ನನ್ನ ಮಗಳಿಗೆ ತಲೆ ಕೆಡಿಸಿ ಅವಳಿಂದ ಹಣ ದುರುಪಯೋಗ ಮಾಡಿರುವ ಬಗ್ಗೆ ನಮಗೆ ಗುಮಾನಿಯಿರುತ್ತದೆ. ದಿನಾಂಕ:-28.12.2023 ರಂದು ರಾತ್ರಿ 02-35 ರ ಸಮಯದಲ್ಲಿ ಈತನು ಅವಳ ಜೊತೆಯಲ್ಲೇ ಇದ್ದುದಾಗಿ ತಿಳಿದು ಬಂದಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಈತನನ್ನು ಹೆಚ್ಚಿನ ವಿಚಾರಣೆಗೊಳಪಡಿಸಿ ಸತ್ಯ ಹೊರ ಬರುವುದೆಂದು ನಮಗೆ ಗುಮಾನಿ ಇರುವುದರಿಂದ ದಯಮಾಡಿ ಈತನನ್ನು ಹೆಚ್ಚಿನ ತನಿಖೆಗೆ ಒಳಪಡಿಸಿ ನನ್ನ ಮಗಳ ಸಾವಿಗೆ ನ್ಯಾಯ ಒದಗಿಸಿಕೊಡಬೇಕೆಂದು ಕೋರುತ್ತೇನೆ. ನನ್ನ ಮಗಳ ನಾವಿಗೆ ಈತನ ದ್ವೇಷ ಪ್ರೇರಣೆಯೇ ಕಾರಣ ವಾಗಿರುವುದರಿಂದ ಇವನ ಮೇಲೆ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳ ಬೇಕೆಂದು ಕೋರುತ್ತೇನೆಂದು ಇತ್ಯಾದಿಯಾಗಿ ನೀಡಿದ ದೂರಿನ ಮೇರೆಗೆ ಠಾಣಾ ಮೊ.ಸಂ.752/2023 ಕಲಂ 306 ಐಪಿಸಿ ರೀತ್ಯಾ ಪ್ರಕರಣ ದಾಖಲು ಮಾಡಿ ತನಿಖೆಯನ್ನು ಕೈಗೊಂಡಿರುತ್ತದೆ.

ನಂತರ, ಈ ಪ್ರಕರಣದಲ್ಲಿ ಸ್ಥಳ ಪಂಚನಾಮೆ ಕಾಲದಲ್ಲಿ ಪಿಯಾರ್ಥಿ ತಂದು ಹಾಜರುಪಡಿಸಿದ ಮೃತ ನಿಧಿಶ್ರೀ ರವರ ಬಾಬು POCO ಕಂಪನಿಯ ಮೊಬೈಲ್ ಫೋನ್ ಮತ್ತು Dell Company ಯ ಒಂದು ಲ್ಯಾಪ್ ಟಾಪ್ ಅನ್ನು ಮುಂದಿನ ಕ್ರಮದ ಬಗ್ಗೆ ಅಮಾನತ್ತು ಪಡಿಸಿಕೊಂಡು ಪ್ರತ್ಯೇಕವಾಗಿ ರಾಣಾ ಮಾಲು ಪಟ್ಟಿ ಸಂಖ್ಯೆ: 343/2023ರಲ್ಲಿ ನೋಂದಾಯಿಸಿಕೊಂಡಿರುತ್ತೆ.

ಅದೇ ದಿನ ಪ್ರಕರಣದ ಆರೋಪಿ ವರುಣ್ ನನ್ನು ದಸ್ತಗಿರಿಯನ್ನು ಮಾಡಿ. ಆತನ ವಿಚಾರಣೆಯನ್ನು ಮಾಡುವ ಸಮಯದಲ್ಲಿ ಆತನ ಬಾಬು POCO ಕಂಪನಿಯ ಮೊಬೈಲ್ ಫೋನ್ ಮತ್ತು DELL Inspiron 15 ಕಂಪನಿಯ ಲ್ಯಾಪ್ ಟಾಪ್ ಅನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ಅದನ್ನು ಸಹ ಪಂಚರ ಸಮಕ್ಷಮ ಅಮಾನತ್ತು ಪಡಿಸಿಕೊಂಡು ಪ್ರತ್ಯೇಕವಾಗಿ ರಾಣಾ ಮಾಲು ಪಟ್ಟಿ ಸಂಖ್ಯೆ: 343(ಬಿ)/2023ರಲ್ಲಿ ನೋಂದಾಯಿಸಿಕೊಂಡಿರುತ್ತೆ.

ಆದ್ದರಿಂದ, ಈ ಕೇಸಿನಲ್ಲಿ ಅಮಾನತ್ತು ಪಡಿಸಿಕೊಂಡಿರುವ ಮೇಲ್ಕಂಡ ಮೊಬೈಲ್ ಫೋನ್ ಗಳಲ್ಲಿ ಮತ್ತು ಲ್ಯಾಪ್ ಟಾಪ್ ಗಳಲ್ಲಿ ಪ್ರಕರಣದಲ್ಲಿ ಮೃತಪಟ್ಟಿರುವ ನಿಧಿಶ್ರೀ ಮತ್ತು ಆರೋಪಿ ವರುಣ್ ರವರು ಹಂಚಿಕೊಂಡಿರುವ ವಿಡಿಯೋಗಳು, ಫೋಟೋಗಳು, ಮೇಸೇಜ್ ಗಳ ವಿವರ, ಅನ್ ಲೈನ್ ಹಣಕಾಸಿನ ವಿವರಗಳ ಡೇಟಾವನ್ನು ರಿಟ್ರೀವ್ ಮತ್ತು ಮೀರರ್ ಇಮೇಜ್ ಅನ್ನು ಸಂಗ್ರಹಿಸಿ ವರದಿ ನೀಡಲು ಕೋರಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ಸಹಿ /-

Police Sub Inspector  
Hebbagodi Police Station  
Bangalore District.

Received on 08/01/2024

Sd/-

Police Inspector'

Cyber, Economic, Narcotic (CEN)

Police Station

Bangalore District."

After this and analyzing the statements recorded, the police file a charge sheet against the petitioner not only for the offence under Section 306 of the IPC, but including the offences punishable under

Sections 66E and 67A of the Act. The summary of the charge sheet as obtaining in Column No.17 reads as follows:

"17. Brief facts of the case

ಕಲಂ. 306 ಐಪಿಸಿ ಜೊತೆಗೆ 66(ಇ), 67(ಎ) ಐ.ಟಿ. ಆಕ್ಟ್.

ಘನ ನ್ಯಾಯಾಲಯದ ವ್ಯಾಪ್ತಿಗೆ ಸೇರಿದ ಅನೇಕಲ್ ತಾಲ್ಲೂಕು, ಜಿಗಣಿ ಹೋಬಳಿ, ಹಬ್ಬುಗೊಡಿ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದು ಹುಲಿಮಂಗಲ ಗ್ರಾಮದ ಬಳಿ ಇರುವ ಸ್ಟಾಂಜಾ ಲಿವಿಂಗ್ ಅಪಾರ್ಟ್ ಮೆಂಟ್ ನ 4ನೇ ಮಹಡಿಯಲ್ಲಿರುವ ಮನೆ ನಂ. 401 ರಲ್ಲಿ, ನಿಧಿಶ್ರೀ, 25 ವರ್ಷ ಮತ್ತು ಕಾಲಂ ನಂ. 12 ರಲ್ಲಿ ಕಂಡ ಆರೋಪಿಯು ಲಿವಿಂಗ್ ಟುಗಡರ್ ರೀತಿಯಲ್ಲಿ ಒಂದೇ ಮನೆಯಲ್ಲಿ ವಾಸ ಮಾಡುತ್ತಿದ್ದು, ನಿಧಿಶ್ರೀ ರವರು ಟ್ರೇಡಿಂಗ್ ಬಿಸಿನೆಸ್ ಗೆ ಹಣವನ್ನು ಹೂಡಿಕೆ ಮಾಡುತ್ತಿದ್ದು ನಿಧಿಶ್ರೀ ತಮ್ಮ ಪೋಷಕರಿಂದ ಸುಮಾರು 51 ಲಕ್ಷಕ್ಕೂ ಹೆಚ್ಚು ಹಣ ಪಡೆದು ಜಿರೋದ, ಶೂನ್ಯ, 5 ಪೈಸಾ, ವಾಜರಿಕ್, ಆಪ್ ಸ್ಟಾರ್ಟ್ ಎಂಬ ಕಂಪನಿಗಳ ಟ್ರೇಡಿಂಗ್ ಬಿಸಿನೆಸ್ ಗೆ ಹೂಡಿಕೆ ಮಾಡಿ ಎಲ್ಲ ಹಣವನ್ನು ಕಳೆದುಕೊಂಡಿದ್ದು, ಇದಕ್ಕೆ ಆರೋಪಿ ಸಹಕರಿಸಿದ್ದು, ನಿಧಿಶ್ರೀ ಹಣವನ್ನು ಕಳೆದುಕೊಂಡೆ ಎಂದು ಬೇಜಾರು ಮಾಡಿಕೊಂಡು ನಾನು ಬದುಕುವುದಿಲ್ಲ, ಸಾಯಬೇಕು ಎಂದು ಹೇಳುತ್ತಿದ್ದು, ಆರೋಪಿ ಆಕೆಗೆ ಬುದ್ಧಿವಾದ ಹೇಳದೆ ಇದ್ದು ದಿನಾಂಕ: 28/12/2023 ರಂದು ಮುಂಜಾನೆ ಸುಮಾರು 2-30 ಗಂಟೆಯಲ್ಲಿ ಮೇಲ್ಕಂಡ ಸ್ಟಾಂಜಾ ಲಿವಿಂಗ್ ಅಪಾರ್ಟ್ ಮೆಂಟ್ ನ ಟೆರಸ್ ಮೇಲೆ ಹೋಗಿದ್ದಾಗ ನಿಧಿಶ್ರೀ ಮತ್ತು ಆರೋಪಿ ಗಲಾಟೆ ಮಾಡಿಕೊಂಡು ಆರೋಪಿ ನಿಧಿಶ್ರೀಗೆ ನೀನು ಟ್ರೇಡಿಂಗ್ ಬಿಸಿನೆಸ್ ಗೆ ಹಣವನ್ನು ಹೂಡಿ ಎಲ್ಲವನ್ನು ಕಳೆದುಕೊಂಡೆ ನೀನು ಇದ್ದರೂ ಅಷ್ಟೆ, ಸತ್ತರೂ ಅಷ್ಟೆ, ಏನಾದರೂ ಮಾಡಿಕೊಂಡು ಸಾಯಿ ಎಂದು ಹೇಳಿ ಟೆರಸ್ ನಿಂದ ಕೆಳಗೆ ಇಳಿದಿದ್ದು, ಆರೋಪಿ ಮಾಡಿದ ದುಷ್ಟೀಕರಣೆಯಿಂದ ಮನನೊಂದ ನಿಧಿಶ್ರೀ ಟೆರಸ್ ಮೇಲಿಂದ ಹಾರಿ ಬಿದ್ದು ಆಕೆಯ ದೇಹದ ಮೇಲೆ ತೀವ್ರ ಸ್ವರೂಪದ ಗಾಯಗಳಾಗಿ ಸ್ಥಳದಲ್ಲಿ, ಮೃತಪಟ್ಟಿರುವುದು ಹಾಗೂ ಆರೋಪಿಯು ನಿಧಿಶ್ರೀ ತನ್ನ ಜೊತೆಯಲ್ಲಿದ್ದ ಸಮಯದಲ್ಲಿ ತನ್ನ ಮೊಬೈಲ್ ನಲ್ಲಿ ನಿಧಿಶ್ರೀ ರವರ ಬೆತ್ತಲೆ ಪೋಟೋಗಳನ್ನು ತೆಗೆದು ತನ್ನ ಮೊಬೈಲ್ ನಲ್ಲಿ ಇಟ್ಟುಕೊಂಡಿರುವುದು ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತೆ.

ಆದ್ದರಿಂದ ಆರೋಪಿಯ ವಿರುದ್ಧ ಮೇಲ್ಕಂಡ ಕಲಂಗಳ ರೀತ್ಯಾ ಈ ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿ"

If one notices the complaint, the report of FSL and admitted facts of living relationship between the two, what has triggered the commission of suicide can only be a matter of evidence. Section 306 of the IPC deals with abetment to suicide. It reads as follows:

**"306. Abetment of suicide.**—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

The word abetment is defined in Section 107 of the IPC. If the ingredients of what can become abetment as found in Section 107 is pitted to the facts obtaining in the case at hand, it becomes unmistakably clear that the petitioner, *prima facie*, has abetted commission of suicide of the daughter of the complainant. It is the submission of the learned Additional State Public Prosecutor that the petitioner has blackmailed or threatened the deceased to part with close to ₹50/- lakhs through credit card or otherwise for his business or business of both, is a matter of trial as laptop and mobile phone of the petitioner is full of pictures and videos between the deceased and the petitioner, all taken during the live-in relationship of the petitioner with the deceased.

9. The learned senior counsel appearing for petitioner would place reliance upon plethora of judgments rendered by the Apex Court to hold that utterance of words 'go and die' would not

become abetment to suicide. There can no qualm about the principle so laid down by the Apex Court. Quoting all of them would only render to the bulk of the subject judgment. The Apex Court in those very judgments has held that proximity between the commission of suicide and alleged statement assumes significance. If that principle is considered, the petitioner was last found with the deceased who had a live-in relationship, fight had admittedly erupted between the two and the daughter of the complainant commits suicide by jumping from the 6<sup>th</sup> floor of the apartment. The last person with whom the deceased had any communication or was with her was the petitioner. Therefore, in the facts of the case on hand, those judgments that have been rendered by the Apex Court would not become applicable.

10. A precious life is lost due to the alleged acts of the petitioner in blackmailing and breach of assurance. If holding of nude pictures of the deceased and blackmailing is proved, it can undoubtedly become abetment to suicide. In the aforesaid circumstance, reference being made to the judgment of the Apex

Court in the case of **MAHENDRA K.C. v. STATE OF KARNATAKA**<sup>1</sup>

would become apposite. The Apex Court holds as follows:

".... ....

**18. In this backdrop, it is impossible on a judicious purview of the contents of the complaint and the suicide note for a judicial mind to arrive at a conclusion that a case for quashing the FIR had been established. In arriving at that conclusion, the Single Judge has transgressed the well-settled limitations on the exercise of the powers under Section 482 CrPC and has encroached into a territory which is reserved for a criminal trial.**

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

"8. ... While exercising the powers under the section, the court does not function as a court of appeal or revision. Inherent jurisdiction under the section though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is to be exercised ex debito justitiae to do real and substantial justice for the administration of which alone the courts exist. Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent abuse. It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers the court would be justified to quash any proceeding if it finds that

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<sup>1</sup> (2022) 2 SCC 129



initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the report, the court may examine the question of fact. When a report is sought to be quashed, it is permissible to look into the materials to assess what the report has alleged and whether any offence is made out even if the allegations are accepted in toto."

**20.** These principles emanate from the decisions of this Court in *State of Haryana v. Bhajan Lal* [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] and *State of M.P. v. Surendra Kori* [State of M.P. v. Surendra Kori, (2012) 10 SCC 155 : (2012) 4 SCC (Civ) 921 : (2013) 1 SCC (Cri) 247 : (2012) 2 SCC (L&S) 940] . In *Surendra Kori* [State of M.P. v. Surendra Kori, (2012) 10 SCC 155 : (2012) 4 SCC (Civ) 921 : (2013) 1 SCC (Cri) 247 : (2012) 2 SCC (L&S) 940] , this Court observed : (*Surendra Kori case* [State of M.P. v. Surendra Kori, (2012) 10 SCC 155 : (2012) 4 SCC (Civ) 921 : (2013) 1 SCC (Cri) 247 : (2012) 2 SCC (L&S) 940] , SCC p. 163, para 14)

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

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

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

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

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

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

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

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

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

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

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

**22. Based on the above precedent, the High Court while exercising its power under Section 482 CrPC to quash the FIR instituted against the second respondent-accused should have applied the following two tests : (i) whether the allegations made in the complaint, prima facie constitute an offence; and (ii) whether the allegations are so improbable that a prudent man would not arrive at the conclusion that there is sufficient ground to proceed with the complaint. Before proceeding further, it is imperative to briefly discuss the law on the abetment of suicide to determine if a prima facie case under Section 306 IPC has been made out against the respondent-accused.**

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

**"306. Abetment of suicide.**—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

Section 107 IPC defines the expression "abetment":

**"107. Abetment of a thing.**—A person abets the doing of a thing, who—

*First.*—Instigates any person to do that thing; or

*Secondly.*—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

*Thirdly.*—Intentionally aids, by any act or illegal omission, the doing of that thing.

*Explanation 1.*—A person who by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing."

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

"20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."

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

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

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

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

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

(emphasis in original)

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

"12. ... It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable."

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

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

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

29. The High Court observed that a prima facie case for the commission of offence under Section 306 IPC is not made out since : (i) the suicide note does not describe the specific threats; (ii) details of the alleged demand of Rs 8 lakhs from the deceased by the respondent-accused are not set out in the suicide note; and (iii) no material to corroborate the allegations detailed in the suicide note has been unearthed by the investigating agency. The High Court observed that since the deceased took considerable time to write a twelve page suicide note, "it would have been but natural for the author to set out the details". The High Court has evidently travelled far beyond the limits of its inherent power under Section 482 CrPC since instead of determining whether on a perusal of the complaint, a prima facie case is made out, it has analysed the

**sufficiency of the evidence with reference to the suicide note and has commented upon and made strong observations on the suicide note itself.**

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

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

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

34. In Para 20 [of the suicide/death note], the deceased holds the petitioner responsible for withholding the salary for the last three months. The other paragraphs including Para 20 [of the suicide/death note] detail the properties said to have been amassed by the



petitioner and other illegal transactions. After having perused and scrutinised the death note, a query was put to the learned High Court Government Pleader and the counsel appearing on behalf of 2nd respondent as to whether the investigation has thrown up any material that corroborates any of the allegations set out in the death note. The learned High Court Government Pleader would fairly submit that they have not been able unearth any material to corroborate any of the allegations.

\* \* \*

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

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

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

**"37. It is not the case of the deceased that the accused had deprived him of his wealth or**

have committed acts that have shattered his hopes in life or separated him from his family and friends.”

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

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

\* \* \*

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

32. The Single Judge has termed a person who decided to commit suicide a “weakling” and has also made observations on how the behaviour of the deceased before he committed suicide was not that of a person who is depressed and suffering from mental health issues. Behavioural scientists have initiated the discourse on the heterogeneity of every individual and have challenged the traditional notion of “all humans behave alike”. Individual personality differences manifest as a variation in the behaviour of people. Therefore, how an

individual copes up with a threat—both physical and emotional, expressing (or refraining to express) love, loss, sorrow and happiness, varies greatly in view of the multi-faceted nature of the human mind and emotions. Thus, the observations describing the manner in which a depressed person ought to have behaved deeply diminishes the gravity of mental health issues.

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

(Emphasis supplied)

The Apex Court has come down heavily on this Court for having quashed the proceedings against the accused therein by entering into merits of the matter. The Apex Court holds, *prima facie* ingredients of Section 107 of the IPC were clearly met in the case and, therefore, the Court could not have quashed the proceedings.

The findings rendered by the Apex Court, in the aforesaid judgment, would become applicable to the facts in the case as well.

**11. The digital trial – the contents of the phones, the FSL report and the testimonies recorded, do not allow this Court to step into the shoes of the trial Court. The plea that this is a case of mere scorned affection or a casual taunt cannot be countenanced when placed against the backdrop of deliberate humiliation and alleged extortion. The nuances and textures of this tragic narrative must be unfolded in a full blown trial. It cannot be forgotten that a young life has been extinguished in a manner that raises grave concern. It is for the trial Court to examine the depth of betrayal, the extent of coercion and the veracity of the claims.** In the light of the aforesaid glaring facts and the preceding analysis, this Court declines to invoke the jurisdiction under Section 482 of the Cr.P.C. to quash the proceedings.

12. For the aforesaid reasons, the petition lacking in merits stands ***rejected.***

Interim order of any kind operating shall stand dissolved.

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

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