

**HIGH COURT OF JUDICATURE AT ALLAHABAD****CRIMINAL APPEAL No. - 2421 of 2025**

Chandrajeet Singh

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Meraj Ahmad Khan, Sadrul Islam Jafri, Sr. Advocate
Counsel for Respondent(s)	: Anup Kumar Pandey, G.A.

Court No. - 93**HON'BLE SANTOSH RAI, J.**

1. Heard Sri S.I. Jafri, learned senior advocate assisted by Sri Meraj Ahmad Khan, learned counsel for the appellant and Sri Anup Kumar Pandey, learned counsel for respondent no.2 and learned A.G.A. for the State and perused the record.

2. This criminal appeal under Section 14 A (1) of S.C.& S.T. Act has been filed against the orders dated 07.11.2024 and 03.12.2024 passed by the Special Judge S.C.& S.T. Act Bareilly in Sessions Trial No.462 of 2020 (State vs. Priya alias Dolly and other) whereby the discharge application of the appellant filed under Section 227 Cr.P.C. has been rejected and charges have been framed against the appellant and co-accused Dolly under Section 306 I.P.C. while co-accused Gulshan has been charged under Sections 306 I.P.C. and Section 3(2)5 S.C. & S.T. Act.

3. Tersely, the prosecution case is that First Information Report lodged by the mother of the deceased stating that the deceased Somraj was married to accused Priya @ Dolly on 28.11.2017. After the marriage, Priya @ Dolly allegedly maintained an illicit relationship with the appellant Chandrajeet @ Aashi and co-accused Gulshan, due to which matrimonial disputes frequently arose. It is alleged that despite repeated efforts by the deceased and his family members to persuade the accused persons, they continued to remain in contact with each other. The informant further alleged that the accused persons used to threaten, harass and mentally torture the deceased, causing him severe mental distress. The deceased had also informed his family members that the accused persons were responsible for his

harassment and apprehended danger to his life. According to the prosecution, on the morning of 18.06.2018, at about 3:30 a.m., the deceased was found hanging inside his room. The family members broke open the door and found him dead. It is further alleged that before his death, the deceased left handwritten suicide notes, wherein he specifically held accused Priya @ Dolly, Chandrajeet @ Aashi and Gulshan responsible for his death.

4. Briefly, grounds of the appeal are that the impugned order dated 09.01.2025 passed by the Additional Sessions Judge/Special Judge SC/ST Act, Basti is wholly arbitrary, unjust, unreasonable, illegal and is liable to be set aside.

5. Learned counsel for the appellant submitted that the appellant has not committed any offense of abetment of committing suicide under Section 306 against the deceased. This criminal case has been registered only to harass the appellant, and he is said to be involved in this case only on the sole basis of suicide note, which has been collected during the course of investigation.

6. Learned counsel for the appellant relied upon a judgment of Hon'ble Supreme Court in the case of ***Shenbagavalli and others vs. Inspector of Police, Kancheepuram District and another***, 2025 Law Suit (SC) 637 and submitted that no material evidence is available against him under Section 306 I.P.C., no evidence is also available under Section 108 B.N.S. regarding abatement.

7. He further relied upon a judgment of Hon'ble Supreme Court in the case of ***Ayyub & others vs. State of U.P. and another***, 2025 Law Suit (SC) 167. Paras 19 and 20 of the judgment reads as under:-

"19. By a long line of judgments, this Court has reiterated that in order to make out an offence under Section 306 IPC, specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It has been further held that the intention of the accused to aid or instigate or to abet the deceased to commit suicide is a must for attracting Section 306 IPC [See Madan Mohan Singh vs. State of Gujarat

and Another, (2010) 8 SCC 628]. Further, the alleged harassment meted out should have left the victim with no other alternative but to put an end to her life and that in cases of abetment of suicide there must be proof of direct or indirect acts of incitement to commit suicide [See Amalendu Pal alias Jhantu vs. State of West Bengal, (2010) 1 SCC 707 and M.Mohan vs. State, (2011) 3 SCC 626 and Ramesh Kumar vs. State of Chhattisgarh (2001) 9 SCC 618].

20. These principles have been reiterated recently by this Court in Mahendra Awase vs. The State of Madhya Pradesh, 2025 INSC 76"

8. He further relied upon a judgement of Hon'ble Supreme Court in the case of ***Prakash and others vs. State of Maharashtra and another, 2024 Law Suit (S.C.) 1197***. Paras 25, 27, 31, 34 and 36 reads as under:-

"25. Relying on the decision in the case of Sanju @ Sanjay Singh Sengar (supra), this Court in the case of Gurjit Singh (supra) set aside the conviction under Section 306 of the IPC as it was clear from the evidence on record that there was a time gap of about two months between the last visit of the deceased to her parents with regard to the illegal demand for money by the accused-appellant and the date of commission of suicide by the deceased. As such, this Court held that there was nothing on record to show that there was a proximate nexus between the commission of suicide and the illegal demand made by the accused-appellant. This Court observed as follows:

“36. It could further be seen from the evidence on record that the time gap between the last visit of the deceased to her parents with regard to the, illegal demand and the date of commission of suicide is about two months. As such, there is nothing on record to show that there was a proximate nexus between the commission of suicide and the illegal demand made by the appellant. In Sanju v. State of M.P. [Sanju v. State of M.P., (2002) 5 SCC 371 : 2002 SCC (Cri)

1141]this Court found that there was time gap of 48 hours between the accused telling the deceased “to go and die” and the deceased “committing suicide”. As such, this Court held that there was no material to establish that the accused had abetted the suicide committed by the deceased.”

27. This Court in the case of Mohit Singhal (supra)reiterated that the act of instigation must be of such intensity and in such close proximity that it intends to push the deceased to such a position under which the person has no choice but to commit suicide. This Court held that the incident which had allegedly driven the deceased to commit suicide had occurred two weeks prior and even the suicide note had been written three days prior to the date on which the deceased committed suicide and further, there was no allegation that any act had been done by the accused-appellant therein in close proximity to the date of suicide. This Court observed as follows

“11. In the present case, taking the complaint of the third respondent and the contents of the suicide note as correct, it is impossible to conclude that the appellants instigated the deceased to commit suicide by demanding the payment of the amount borrowed by the third respondent from her husband by using abusive language and by assaulting him by a belt for that purpose. The said incident allegedly happened more than two weeks before the date of suicide. There is no allegation that any act was done by the appellants in close proximity to the date of suicide. By no stretch of imagination, the alleged acts of the appellants can amount to instigation to commit suicide. The deceased has blamed the third respondent for landing in trouble due to her bad

habits.

12. Therefore, in our considered view, the offence punishable under Section 306IPC was not made out against the appellants. Therefore, the continuation of their prosecution will be nothing but an abuse of the process of law.”

31. In the case of Sanju @ Sanjay Singh Sengar (supra), this Court, under similar circumstances, had quashed the chargesheet under Section 306 of the IPC against the accused- appellant. A factor that had weighed with the Court in the said case was that there was a time gap of 48 hours being the alleged instigation and the commission of suicide. This Court held that the deceased was a victim of his own conduct, unconnected with the quarrel that had ensued between him and the appellant, 48 hours prior to the commission of his suicide.

34. However, we do not wish to go into that issue. Even if we take the date of the mahalokadalat to be 17th February 2015 to be the factually correct one, there is enough gap between the two incidents to render the instigation or incitement by the appellants, nugatory. The cardinal principle of the subject-matter at hand is that there must be a close proximity between the positive act of instigation by the accused person and the commission of suicide by the victim. The close proximity should be such as to create a clear nexus between the act of instigation and the act of suicide. As was held in the case of Sanju @ Sanjay Singh Sengar (supra), if the deceased had taken the words of the appellants seriously, a time gap between the two incidents would have given enough time to the deceased to think over and reflect on the matter. As such, a gap of over a month would be sufficient time to dissolve the nexus or the proximate link between the two acts.

36. We are of the considered view that the reasoning given by the High Court for refusal to discharge the appellants is completely perfunctory. The High Court observed that there is no allegation about any harassment or cruelty meted out by the appellants to the deceased in the Accidental Death Report, however, held that the allegations in the FIR could not be overlooked and the Accidental Death Report and the statements made in the Accidental Death enquiry would be a matter of trial. The High Court also took note of the disputed date of the

mahalokadalat but held that incorrect mentioning of the date of the mahalokadalat in the FIR would not be a ground to discharge the appellants, considering the state of mind of the complainant, the deceased's mother."

9. Learned counsel for respondent no.2 and learned AGA vehemently opposed the submission of learned counsel for the appellant. Learned counsel for respondent no.2 submitted that as per case diary, suicide note is sufficient material available against the appellant to initiate proceeding. Thus, trial court has rightly rejected the discharge application filed under section 227 CR.P.C.

10. In this case, appellant Chandrajeet Singh, Priya @ Dolly and Gulshan are named in the FIR. In the FIR, allegation against the appellant is only illicit relationship with the deceased's wife and clearly mentioned therein. Furthermore, the accused appellant and another co-accused person have used to humiliate the deceased on the ground that his wife has illicit relationship with one of the accused persons Chandrajeet for many times. During the course of investigation, the IO collected the 'suicide note'. A copy of the suicide note is available on record. It has also been proved by FSL report and the same was written in the handwriting of the deceased. In the suicide note, allegation is made against the appellant and others regarding continuous humiliation on the ground that his wife has illicit relationship with the accused appellant. As per medical evidence of the postmortem report, the cause of death is hanging.

11. Learned counsel for the appellant submitted that the accused appellant was not in contact before 2-3 days of the incident. Thus, no any kind of incident to commit suicide etc. were committed by him in this case. I do not fully agree with the submission of learned counsel for the appellant. For the purpose of abetment of suicide, accused appellant must not be contact of the deceased just before the incident. The reliance placed by the appellant is carefully reviewed by this Court. It clearly reveals that the legal principles established therein were specific to the contest of cases cited. As the factual matrix of current case is fundamentally different specially regarding contents of suicide note.

12. The scope of interference in an appeal against the rejection of a discharge application is extremely limited. The Court is only required to

determine whether there is a prima facie case to frame charges. The court should not act as a mere post office but must see if the facts, even if taken at face value, disclose an offence. Here, the suicide note is a critical piece of evidence that narrates a systematic pattern of humiliation. While "abetment" under Section 108 BNS requires mens rea and an active act of instigation, the persistent humiliation of a person, particularly when it touches upon their domestic life and dignity, can indeed amount to instigation.

13. Furthermore, regarding the SC/ST Act, the Court finds that the allegations in the suicide note suggest that the accused exploited the vulnerability of the deceased to commit the acts of humiliation, which warrants a full trial to ascertain the intent and the social context of the harassment. There is sufficient material to frame charges and proceed. The learned Trial Court has exercised its jurisdiction in accordance with the law. No jurisdictional error or perversity is found in the impugned order. The contention of the appellant that he is entitled to discharge is devoid of merit, as the veracity of the suicide note and the "causal link" between the accused's conduct and the suicide are matters to be tested during the trial.

14. If the appellant pleads himself to be innocent, the fact may be considered and decided during the trial proceedings by the trial court on the basis of evidence adduced by both the parties in this regard. Thus, on the basis of first information report, suicide note and material evidence available in case diary, learned trial court has rightly rejected the discharge application.

15. Consequently, this criminal appeal is **rejected**.

July 9, 2026
Asha

(Santosh Rai,J.)