



HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

R

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 1834 OF 2026

BETWEEN:

1. MR.MANIGANDAN S
AGED ABOUT 35 YEARS
S/O SHANMUGAM K
NO.47, MUNESHWARA LAYOUT
M.R. PALYA, R.T. NAGAR
BENGALURU - 560 032

...PETITIONER

(BY SRI. DHANANJAYA C.P., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY
VIDYARANYAPURA POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,





HIGH COURT BUILDING,
BENGALURU - 560 001

2. P. ADHINARAYANA

AGED ABOUT 80 YEARS

S/O LATE PAKEERAPPA

RA/T 30, 1ST CROSS

BEHIND NETIVINITY CHURCH

VIDYARANYAPURA

BENGALURU - 560 098

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.75/2026 (CR.NO.354/2025 VIDYARANYAPURA P.S BENGALURU) PENDING ON THE FILE OF THE COURT OF THE VII ADDL.C.J.M AT BENGALURU FOR THE ALLEGED OFFENCE P/U/S 85, 108 OF BNS 2023.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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

ORAL ORDER

The petitioner is before the Court calling in question proceedings in C.C.No.75 of 2026 registered for the offences punishable under Sections 85 and 108 of the BNS, which are Sections 498A and 306 of the earlier regime, the IPC.

2. Heard Sri. Dhananjaya C.P., learned counsel appearing for the petitioner and Sri. K. Nageshwarappa, learned HCGP appearing for respondent No.1.

3. Facts, in brief, germane are as follows :-

The petitioner is the husband and the complainant is the father of the wife, who is now deceased. The petitioner and the daughter of the complainant get married 15 years prior to the incident and from the wedlock have two children. On a fateful day, the wife is said to have committed suicide i.e., on 18.10.2025. The husband takes the wife to the hospital, who was declared to be brought dead. A complaint comes to be registered by the father against the husband on 18.10.2025,



which becomes a crime in Crime No.354/2025 initially for offence punishable under Section 103 of the BNS, 2023, which is Section 302 of the earlier regime, the IPC. The husband was charged of murder. The police conduct investigation and the investigation leads to filing of the charge sheet. In the charge sheet, while drawing, all the other accused are dropped and the petitioner is now the sole accused facing charges of abetment to suicide and cruelty under Sections 108 and 85 of the BNS, which are Sections 306 and 498A of the earlier regime, the IPC. The filing of the charge sheet is what has driven the petitioner to this Court in the subject petition.

4. Learned counsel appearing for the petitioner would vehemently contend that the petitioner - husband is innocent. The wife committed suicide by hanging and the husband broke open the door, took the wife to the hospital and did all that a caring husband will do and therefore, the proceeding should be quashed against the husband.

5. Learned HCGP on verification of the records would refute the submissions in contending that there is proximity in



time with the act of the husband and the death of the daughter of the complainant and therefore, the proceedings must be permitted to be continued.

6. I have given my anxious consideration to the respective submissions made by the learned counsel and have perused the material on record.

7. The afore-narrated facts are a matter of record. The dates would require a skeletal iteration. The relationship between the complainant's daughter and the petitioner is husband and wife. They get married 15 years prior to the incident and have two children from the wedlock. On 18.10.2025 about 5.30 p.m. It transpires that the wife commits suicide by hanging. The husband takes the wife to the hospital, who was declared as brought dead. A complaint is then registered by the father of the deceased - the complainant. The complaint reads as follows:

"ರವರಿಗೆ,

ಸಬ್ ಇನ್ಸ್ಪೆಕ್ಟರ್ ರವರಿಗೆ
ವಿದ್ಯಾರಣ್ಯಪುರ ಪೊಲೀಸ್ ಠಾಣೆ
ವಿದ್ಯಾರಣ್ಯಪುರ,

ದಿನಾಂಕ:18.10.2025



HC-KAR

ಬೆಂಗಳೂರು- 560 097.

ಇಂದ.

ಪಿ.ಅದಿನಾರಾಯಣ
ವಯಸ್ಸು 80 ವರ್ಷ
ಲೇಟ್ ಪಕೀರಪ್ಪ
ವಾಸ:ನಂ.30 ಮೊದಲನೆ ಕ್ರಾಸ್
ನೆಟವಿನಿಟಿ ಚರ್ಚ್ ಹಿಂಬಾಗ
ವಿದ್ಯಾರಣ್ಯಪುರ, ಬೆಂಗಳೂರು- 560 097
ಕೆಲಸ್:ನಿವೃತ್ತಿ (ಬಿ.ಡ್ಯೂ.ಎಸ್.ಎಸ್.ಬಿ)
ಮೊ:9632038405.

ಮಾನ್ಯರೆ.

ವಿಷಯ: ನನ್ನ ಮಗಳಾದ ಬಿ.ಎ ವರ್ಷ, ವಯಸ್ಸು 42 ಇವರನ್ನು ಕೊಲೆ
ಮಾಡಿರುವ ಬಗ್ಗೆ.

ಆದಿನಾರಾಯಣ ಪಿ ಆದ ನಾನು ಈ ಮೂಲಕ ತಮ್ಮ ಗಮನಕ್ಕೆ ತರುವುದೇನೆಂದರೆ
ದಿನಾಂಕ:18.10.2025 ಸುಮಾರು ಸಾಯಂಕಾಲ 5.30 ರಿಂದ 6.00 ಗಂಟೆ ಒಳಗೆ ನನ್ನ ಅಳಿಯನಾದ
ಮಣಿಗಂದನ್ ಅವರಿ ನನ್ನ ಮಗಳಾದ ಬಿ.ಎ ವರ್ಷ ಅವರನ್ನು ಕೊಲೆ ಮಾಡಿರುತ್ತಾರೆ. ವಿಷಯ ತಿಳಿದ
ನಂತರ ನಾವು ಅಲ್ಲಿಗೆ ಹೋಗಿ ನೋಡಲಾಗಿ ನನ್ನ ಮಗಳು ಹಣವಾಗಿದ್ದಳು. ಕೊಲೆ ನಾವು ಕೇತಮ್
ಹಾಸ್ಪಿಟಲ್ಗೆ ತೆಗೆದುಕೊಂಡು ಹೋದಾಹ ಡಾಕ್ಟರ್ ಚೆಕ್ ಮಾಡಿ ಪ್ರಾಣ ಹೋಗಿದೆ ಎಂದು ತಿಳಿಸಿದರು.

ಸುಮಾರು 15 ವರ್ಷಗಳ ಹಿಂದೆ ನನ್ನ ಮಣಿಗಂದನ್ ರವರಿಗೆ ನನ್ನ ಮಗಳಾದ ವರ್ಷ ರವರನ್ನು
ಮದುವೆ ಮಾಡಿಕೊಟ್ಟಿದ್ದೇವು. ಮದುವೆಯಾದ ಕೆಲವು ದಿನಾಗ ನಂತರ ವಿನಾ ಕಾರಣ ಜಗಳವಾಡುವುದು
ಹೊಡೆಯುವುದು ಮತ್ತು ಟಾರ್ಜರ್ ಕೊಡುತ್ತಿದ್ದರು. ಸುಮಾರು 4 ರಿಂದ 5 ಸಾರಿ ಪೊಲೀಸ್ ಸ್ಟೇಷನ್ಗೆ
ದೂರು ಕೊಡಲಾಗಿತ್ತು ಅಲ್ಲಿ ಇಬ್ಬರಿಗೂ ಬುದ್ಧಿ ಹೇಳಿ ಇನ್ನು ಮುಂದೆ ಏನು ತೊಂದರೆ ಕೊಡುವುದಿಲ್ಲವೆಂದು
ಬರೆದು ಕೊಟ್ಟಿರುತ್ತಾರೆ. ನಾವು ಸಹ ಅನೇಕ ಬಾಇ ಬುದ್ಧಿ ಹೇಳಿದರೂ ಅವರು ಸರಿಹೋಗಲಿಲ್ಲ. ಈವತ್ತು
ನಡೆದ ಘಟನೆ ನೋಡಿದರೆ ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಜಗಳ ತೆಗೆದು ಕೊಲೆ ಮಾಡಲಾಗಿದೆ. ಅದುದರಿಂದ
ಇವರಿಗೆ ಕೊಲೆಯ ಅಧಾರದ ಮೇಲೆ ಕೇಸು ಹಾಕಿ ನನ್ನ ಮಗಳ ಆತ್ಮಕ್ಕೆ ನ್ಯಾಯ ದೊರಕಿಸಿಕೊಡಬೇಕೆಂದು
ತಮ್ಮಲ್ಲಿ ಕೋರುತ್ತೇನೆ. ಕೊಲೆಯಾದ ಸ್ಥಳ ನಂ.99, 1ನೇ ಕ್ರಾಸ್. ರಾಮಣ್ಣ ಗಾರ್ಡನ್ ದೊಡ್ಡ
ಬೊಮ್ಮಸಂದ್ರ, ವಿದ್ಯಾರಣ್ಯಪುರ ಬೆಂಗಳೂರು-560097.

ಇಂತಿ ತಮ ವಿಶ್ವಾಸಿ

ಸಹಿ/-

(ಆದಿನಾರಾಯಣ)

ದಿನಾಂಕ:18.10.2025 ರಂದು 22:30 ಗಂಟೆಗೆ ಪಿಯಾದುದಾರರು ತಾಣೆಗೆ ಹಾರಜಾಗಿ



HC-KAR

ನೀಡಿದ ದೂರನ್ನು ಪಡೆದು ಠಾಣಾ ಮೊ ಸಂ.354/2025, ಅಂಡರ್ ಸೆಕ್ಷನ್ ಬಿ.ಎನ್.ಎಸ್.2023 ರೀತ್ಯ ಪ್ರಕರಣ ದಾಖಲಿಸಿರುತ್ತದೆ.

(Emphasis added)

It is also the averment in the complaint that there were multiple instances of the accused physically abusing the deceased victim.

8. The complaint becomes a crime in Crime No.354/2025 for an offence punishable under Section 103 of the BNS for murder. The police conduct investigation and file a charge sheet dropping all other accused and retaining the petitioner - husband, as the sole accused now not for the offence punishable for murder, but for cruelty and abetment to suicide as obtaining under Sections 85 and 108 of the BNS. The summary of the charge sheet, as obtaining in Column No.17, reads as follows:

"17. ಕೆಲಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ಸದರಿ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯ ಸಾಕ್ಷಿ-1 ರವರ ಮಗಳಾದ ಈ ಪ್ರಕರಣದ ಮೃತೆ ಶ್ರೀಮತಿ ವರ್ಷಾ.ಬಿ.ಎ, 42 ವರ್ಷ ವಯಸ್ಸು ರವರಿಗೆ ದಿನಾಂಕ:26-06-2011 ರಂದು ಈ ಪ್ರಕರಣದ ಆರೋಪಿ ಮಣಿಗಂಡನ್ ಎಸ್. ರವರೊಂದಿಗೆ ಹಿಂದೂ ಸಂಪ್ರದಾಯದಂತೆ ಮದುವೆಯಾಗಿದ್ದು ಸದರಿಯವರಿಗೆ 14 ವರ್ಷ ವಯಸ್ಸಿನ ಬಾರ್ಗವ್ ಮತ್ತು 4 ವರ್ಷ ವಯಸ್ಸಿನ ಯಶೋವರ್ಧನ್ ಎಂಬ ಇಬ್ಬರು ಮಕ್ಕಳಿದ್ದು ಗಂಡ ಮತ್ತು ಮಕ್ಕಳೊಂದಿಗೆ ವಿದ್ಯಾರಣ್ಯಪುರ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿಗೆ ಸೇರಿದ ದೊಡ್ಡ ಬೊಮ್ಮಸಂದ್ರದ ರಾಮಣ್ಣಗಾರ್ಡನ್ 1ನೇ ಮುಖ್ಯರಸ್ತೆ, 1ನೇ ಕ್ರಾಸ್ ನಲ್ಲಿರುವ ಮನೆ ನಂ.99 ರಲ್ಲಿ



HC-KAR

ವಾಸವಾಗಿದ್ದರು. ಆರೋಪಿ ಮಣಿಗಂಡನ್, ಎಸ್. ಎಂಬುವವನು 2022ನೇ ಸಾಲಿನಲ್ಲಿ ಮೃತ ಶ್ರೀಮತಿ ವರ್ಷ.ಬಿ.ಎ.. ರವರ ಮೇಲೆ ಜಗಳ ಮಾಡಿ ಅವರನ್ನು ಮತ್ತು ಮಕ್ಕಳನ್ನು ತೊರೆದು ಹೋಗಿದ್ದು, ಈ ಬಗ್ಗೆ ವಿದ್ಯಾರಣ್ಯಪುರ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಮೃತಳು ದೂರನ್ನು ನೀಡಿದ್ದು ಎನ್ ಸಿ ಆರ್ ನಂ.600/2022 ರೀತ್ಯ ದೂರುದಾಖಲಾಗಿದ್ದು ಆರೋಪಿಗೆ ಸೂಕ್ತ ತಿಳುವಳಿಕೆ ನೀಡಿದ್ದು ತದಂತರ ಆರೋಪಿಯು ಮೃತ ಶ್ರೀಮತಿ ವರ್ಷ ಮತ್ತು ಮಕ್ಕಳೊಂದಿಗೆ ವಾಸವಾಗಿದ್ದು, ತದನಂತರವೂ ಸಹ ಆಗಾಗ ಸಣ್ಣಪುಟ್ಟ ವಿಚಾರಗಳಿಗೆ ಮೃತಳ ಮೇಲೆ ಜಗಳ ಮಾಡಿ ಮಾನಸಿಕ ಮತ್ತು ದೈಹಿಕ ಹಿಂಸೆ ನೀಡುತ್ತಿದ್ದು, ದಿನಾಂಕ:18-10-2025 ರಂದು ಸಂಜೆ ಸುಮಾರು 5-00 ಗಂಟೆಯಿಂದ ಸಂಜೆ 5-30 ಗಂಟೆ ನಡುವಿನ ಸಮಯದಲ್ಲಿ ತಮ್ಮ ವಾಸದ ಮನೆಗೆ ಬಣ್ಣ ಹೊಡೆಸುವ ವಿಚಾರದಲ್ಲಿ ತಮ್ಮ ವಾಸದ ಮನೆಯ 1ನೇ ಮಹಡಿಯಲ್ಲಿ ಆರೋಪಿ ಮಣಿಗಂಡನ್ ಮತ್ತು ಮೃತ ಶ್ರೀಮತಿ ವರ್ಷ ರವರ ನಡುವೆ ಜಗಳವಾಗಿದ್ದು ಈ ವೇಳೆ ಆರೋಪಿಯು ಮೃತಳಿಗೆ ತನ್ನ ಮಕ್ಕಳ ಎದುರಲ್ಲಿ, ಬೈದು ಕೈನಿಂದ ಹೊಡೆದು ನೀನು ಮನೆ ಬಿಟ್ಟು ಹೋಗು ಇಲ್ಲ ಅಂದರೆ ನಾನು ಆಚೆ ತಳ್ಳುತ್ತೇನೆ ಎಂದು ತಳ್ಳಿ ಮಾನಸಿಕ ಮತ್ತು ದೈಹಿಕವಾಗಿ ಕಿರುಕುಳ ನೀಡಿದ್ದು, ಇದರಿಂದ ಮನನೊಂದು ಮೃತ ಶ್ರೀಮತಿ ವರ್ಷ,ಬಿ.ಎ. ರವರು 1ನೇ ಮಹಡಿಯಲ್ಲಿರುವ ಬೆಡ್ ರೂಮಿಗೆ ಹೋಗಿ ಒಳಗಿನಿಂದ ಡೋರ್ ಲಾಕ್ ಮಾಡಿಕೊಂಡು ರೂಮಿನ ಚಾವಣಿಯಲ್ಲಿರುವ ಕಬ್ಬಿಣದ ಹುಕ್ ಗೆ ವೇಲ್ (ದುಪ್ಪಟ) ಕಟ್ಟಿ ನೇಣು ಹಾಕಿಕೊಂಡು ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ನಂತರ ಆರೋಪಿಯು ಸುತ್ತಿಗೆಯಿಂದ ಡೋರ್ ಅನ್ನು ಒಡೆದು ಲಾಕ್ ಮುರಿದು ಒಳಗಡೆ ಹೋಗಿ ಮೃತಳನ್ನು ನೇಣಿನಿಂದ ಕೆಳಗಡೆ ಇಳಿಸಿದ್ದು, ನಂತರ ಅಲ್ಲಿಗೆ ಸಾಕ್ಷಿ-6 ರವರನ್ನು ಕರೆಸಿಕೊಂಡಿದ್ದು, ನಂತರ ಅಲ್ಲಿಗೆ ಸಾಕ್ಷಿ-5 ರವರು ಸಹ ಬಂದಿದ್ದು, ಆರೋಪಿ ಮತ್ತು ಸಾಕ್ಷಿ-5 ಮತ್ತು 6 ರವರು ಸೇರಿ ಮೃತಳು ಬದುಕಿರಬಹುದೆಂದು ತಿಳಿದು ಅವರಿಗೆ ಚಿಕಿತ್ಸೆ ಕೊಡಿಸುವ ಸಲುವಾಗಿ ಸಾಕ್ಷಿ-6 ರವರ ಕಾರಿನಲ್ಲಿ ಮೃತಳನ್ನು ವಿದ್ಯಾರಣ್ಯಪುರದ ನಂಜಪ್ಪ ರಸ್ತೆಯಲ್ಲಿರುವ ಕೇತಮ್ಮ್ ಆಸ್ಪತ್ರೆಗೆ ಸಂಜೆ ಸುಮಾರು 6-00 ಗಂಟೆ ಕರೆದುಕೊಂಡು ಹೋಗಿದ್ದು, ವೈದ್ಯರು ಪರೀಕ್ಷಿಸಿ ವರ್ಷ,ಬಿ.ಎ, ರವರು ಆಸ್ಪತ್ರೆಗೆ ಬರುವಷ್ಟರಲ್ಲಿಯೇ ಮೃತ ಪಟ್ಟಿರುವುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಆರೋಪಿಯು ಈ ಪ್ರಕರಣದ ತನಿಖೆಯಲ್ಲಿ ಸಂಗ್ರಹಿಸಿರುವ ಸಾಕ್ಷಾಧಾರಗಳಿಂದ ಮತ್ತು ಮೃತಳ ಶವಪರೀಕ್ಷಾ ವರದಿಯಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಆರೋಪಿ ಮಣಿಗಂಡನ್ .ಎಸ್. ಎಂಬುವವನು ಕಲಂ:85,108 ಬಿ.ಎನ್.ಎಸ್ ರೀತ್ಯ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧ ಎಸಗಿರುತ್ತಾನೆಂದು ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ."

(Emphasis added)



In the summary of the charge sheet it is alleged that the accused - husband would often quarell with his wife - the deceased victim, due to which she becomes mentally disturbed. On the date of the incident i.e., on 18-10-2025, between 5:00 a.m. to 5:30 p.m., a fight erupts between the accused and the deceased victim in their house, during which the accused is said to have physically abused and scolded the victim in front of their children. The accused is also said to have told the deceased victim to leave the house or he would push her out. All of this causes the deceased victim to suffer a mental breakdown, which drives her to commit suicide by hanging herself in the bedroom of her house. The accused then takes her to the hospital where she is declared as brought dead.

9. The complaint, summary of the charge sheet and the statements recorded after the registration of the crime would clearly indicate that there is proximity to the incident of death of the wife *qua* the present petitioner - the husband, as he was the one who was present and there was a squabble between the two, is what the complaint and the summary of the charge sheet would read. If that be so, it cannot be said



that the husband should be absolved or proceeding should be quashed against husband for abetment to suicide of the wife under Section 108 of the BNS and for the offence under Section 85 of the BNS for cruelty on demand of dowry. Merely because the petitioner - husband and wife were married for 15 years and two children are born from the wedlock, it does not mean that the petitioner can be declared innocent by quashment of the proceedings at the hands of this Court in exercise of its jurisdiction under Section 528 of the BNSS. The issue is shrouded with seriously disputed questions of fact, which all would need a thrashment before the concerned Court in a full blown trial.

10. Considering the factual circumstances of the case at hand, as narrated above, I deem it apposite to notice the judgment of the Apex Court in the case of **MAHENDRA K.C. v. STATE OF KARNATAKA**¹, wherein the Apex Court observes as follows:

"...."

¹ (2022) 2 SCC 129



HC-KAR

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 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.”



HC-KAR

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



HC-KAR

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*



HC-KAR

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.”



HC-KAR

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



HC-KAR

(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] , *Vajjnath Kondiba Khandke v. State of Maharashtra* [*Vajjnath Kondiba Khandke 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 :



HC-KAR

(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



HC-KAR

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



HC-KAR

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



HC-KAR

trial, for the alleged offence against the second respondent.”

(Emphasis supplied)

The Apex Court in the aforesaid case comes down heavily on this Court for having quashed the proceedings against the accused therein for the offence under Section 306 of the IPC, by entering into merits of the matter without permitting further trial. The Apex Court also considers the ingredients of Section 107 and the purport of Section 306 of the IPC, which is Section 108 under the BNS.

11. Again, the Apex Court in the case of **SHAKUNTLA DEVI v. STATE OF U.P.**², while upholding the conviction of the accused - husband therein, for the offence under Section 306 of the IPC, observes as follows:

"..... .."

8. The most relevant statement for consideration is that of PW-3, Sandeep Kumar, younger brother of the deceased who was aged around 17 years at the time of incident and was with the deceased in the days leading up to the incident. He has stated that on 01.05.1998, he had accompanied his deceased sister to her matrimonial home and stayed with her for the following days. It has been stated by him that on the day of the incident, in the forenoon of 04.05.1998, his deceased sister had cooked

² 2025 SCC OnLine SC 952



HC-KAR

rice and the appellant abused the deceased about the way the rice was cooked, then threw the food cooked by the deceased. Thereafter, on the same day again at about 4.30/5.00 p.m., the appellant-accused abused the deceased. At the time, there was no one else in the house except PW-3, the deceased and the accused. Thereafter, PW-3 was sent by the accused to call Raju. When PW-3 came back to her sister's house, he saw that the accused was shouting that her daughter-in-law, i.e. the deceased, had consumed something. Then, the appellant along with three other persons carried the deceased to the hospital while PW-3 was asked to stay back at the house and was not allowed to accompany his sister. PW-3 further deposed that when his brother-in-law and other persons came back from the hospital, they told him that his sister has died.

9. It has been noted by the Trial Court that this young witness of 17 years has narrated the entire facts in a very natural way. This fact has not gone unnoticed by us as well as that PW-3 has given an account of events in a very natural manner that does not seem exaggerated or untruthful in any manner. In fact, the said witness has also been very honest about his lack of knowledge regarding the administration of poison to his sister and has clearly stated that he was not an eyewitness to the exact act and, thus, has made no statement unnecessarily alleging that the accused herself had administered such poison to the deceased which caused her death. There is an element of honesty and fairness in PW-3's statement throughout which lends it much credibility.

10. Additionally, it must be noted that on a conjoint reading of the statements of PW-1 and PW-2 as well as the FIR wherein PW-1 was the complainant, it becomes apparent that the family members of the deceased have been very precise in their allegations against the appellant. Beginning from the point of registration of the FIR and throughout the course of trial, it has been stated across that it was solely the mother-in-law of the accused, i.e. the appellant herein, who used to physically and verbally abuse the deceased with regard to demand for dowry. The specific demand that was made by the accused time and again has also remained the same throughout all the statements. It is one of the rare cases where the



HC-KAR

complainant has displayed honesty while making the allegations and has not unnecessarily implicated other family members of the husband of the deceased by making omnibus allegations against all of them, which is usually the adopted tactic in cases of similar nature. Even the husband of the deceased has not been roped in as a co-accused. This reflects on the overall conduct of the prosecution, which has been unusually fair and honest and, in the facts and circumstances of the case, there is no reason to disbelieve the prosecution story.

11. The jurisprudence regarding the offence of abetment to suicide under Section 306 of the IPC is settled that the offence requires an active act or omission which led the deceased to commit suicide, and this act or omission must have been intended to push the deceased into committing suicide. The facts of the case make it abundantly clear that the deceased was repeatedly tortured and abused by the accused on account of dowry demand to the extent that the deceased had to return to her parental home seeking refuge. It was only on the assurance of her parents that the deceased went back to her matrimonial home hoping that the events would take an upturn once her parents have returned from the wedding and settle the matter of dowry with the appellant-accused. However, the abuses hurled at the deceased by the appellant on the day of the incident, i.e. 04.05.1998, unfortunately acted as a straw that broke the camel's back and led her to committing suicide. Therefore, given the factual matrix, the guilt of the appellant under Section 306 of the IPC has been proved beyond reasonable doubt."

(Emphasis supplied)

The Apex Court in the aforesaid case holds that the offence punishable under Section 306 of the IPC requires an active act or omission which leads the deceased to commit suicide, and



this act or omission should be with the intention to push the deceased into committing suicide.

12. If the facts obtaining in the case at hand as noticed hereinabove, is considered on the bedrock of the principles laid down by the Apex Court in the judgments quoted hereinabove, further proceedings against the petitioner cannot be obliterated, as the ingredients that are necessary for abetment as obtaining under Section 45 of the BNS, which was Section 107 of the IPC – the earlier regime, for it to become an offence under Section 108 of the BNS are present in the case at hand. Therefore, this Court would not lend its protective hands to the petitioner – husband of the deceased, it is for him to come out clean in a full blown trial.

13. Finding no merit in the petition to entertain at this stage, the petition stands ***dismissed***.

Sd/-
(M.NAGAPRASANNA)
JUDGE

SJK
List No.: 1 Sl No.: 40