



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**Cr. Appeal Nos. 526 & 528 of 2012**

**Reserved on: 09.12.2025**

**Date of Decision: 01.01.2026**

- 
- |    |                                   |               |
|----|-----------------------------------|---------------|
| 1. | <b>Cr. Appeal No. 526 of 2012</b> |               |
|    | Meenki Devi                       | ...Appellant  |
|    | Versus                            |               |
|    | State of H.P.                     | ...Respondent |
- 
- |    |                                   |               |
|----|-----------------------------------|---------------|
| 2. | <b>Cr. Appeal No. 528 of 2012</b> |               |
|    | Ram Pal & Anr.                    | ...Appellants |
|    | Versus                            |               |
|    | State of H.P.                     | ...Respondent |
- 

*Coram*  
*Hon'ble Mr Justice Rakesh Kainthla, Judge.*

**Whether approved for reporting?<sup>1</sup> No**

For the Appellants	:	Mr. Rajesh Mandhotra, Advocate, vice Ms. Kanta Thakur, Advocate. (in both the appeals)
For the Respondent	:	Mr. Jitender Kumar Sharma, Additional Advocate General. (in both the appeals)

---

**Rakesh Kainthla, Judge**

The present appeals are directed against the judgment of conviction and order of sentence dated 30.11.2012,

---

<sup>1</sup> Whether reporters of Local Papers may be allowed to see the judgment? Yes.

passed by learned Sessions Judge, Kangra at Dharmshala (learned Trial Court), vide which the appellants (accused before learned Trial Court) were convicted of the commission of offences punishable under Section 498A and 306 read with Section 34 of Indian Penal Code (IPC) and were sentenced as under:-

**Accused Ram Pal and Sanjeev Kumar: -**

Under Section 498-A read with Section 34 of IPC	To suffer simple imprisonment for a period of two years each, pay a fine of ₹3,000/- each and in default of payment of fine, to undergo simple imprisonment for three months.
Under Section 306 read with Section 34 of IPC	To suffer simple imprisonment for four years each, pay a fine of ₹3,000/- each and in default of payment of fine, to undergo further simple imprisonment for three months.

**Accused Meenki Devi: -**

Under Section 498-A read with Section 34 of IPC	To suffer simple imprisonment for a period of two years each, pay a fine of ₹3,000/- and in default of payment of fine, to undergo simple imprisonment for three months.
Under Section 306 read with Section 34 of IPC	To suffer simple imprisonment for two years, pay a fine of ₹3,000/-

	and in default of payment of fine, to undergo further simple imprisonment for three months.
--	---

All the substantive sentences of imprisonment were ordered to run concurrently. (*Parties shall hereinafter be referred to in the same manner as they were arrayed before the learned Trial Court for convenience.*)

2. Briefly stated, the facts giving rise to the present appeals are that the police presented a challan against the accused before the learned Trial Court for the commission of offences punishable under Sections 498-A and 306, read with Section 34 of the IPC. It was asserted that the informant, Kashmir Singh (PW1), is the brother of Sapna @ Kiran (since deceased). Sapna was married to the accused Ram Pal on 08.03.2007 as per Hindu Rites and Customs. She was kept properly for about one month after her marriage. Thereafter, accused Ram Pal, Meenki Devi and Sanjeev Kumar started beating and harassing her. They used to demand dowry and money. She used to leave her matrimonial home. The informant, his mother, Krishna Devi (PW3) and Shakuntla Devi (PW2) used to counsel the accused. The accused would apologise and assure not to harass Kiran in future. However, the situation did not improve. One daughter was born to Sapna and Ram Pal. Kashmir

Singh (PW1) went to drop Sapna in her matrimonial home on 04.07.2008 and stayed with her. He returned to his home at about 5:45 PM. Nobody talked to Sapna after her return to her matrimonial home; rather, the accused taunted her. Sapna consumed some insecticide on 05.07.2008. The matter was reported to the police, and entry (Mark 'A') was recorded in the Police Station. ASI Partap Singh (PW12) went to the hospital to verify its correctness, and entry Mark 'B' was recorded to this effect. ASI Partap Singh (PW12) recorded Kashmir Singh's statement (Ext.PW1/A), which was sent to the Police Station, where FIR (Ext.PW11/A) was registered. Ajay Kumar (PW7) took the photographs (Ext.PA to Ext.PC), which were transferred to a CD (Ext. PD). ASI Partap Singh (PW12) conducted the inquest on the dead body and prepared a report (Ext.PW1/B). He filed an application (Ext.PW1/C) for conducting the postmortem examination of Sapna. Dr R.K. Ahluwalia (PW6) and Dr. Pankaj Katoch conducted the postmortem of Sapna. They found that the cause of death was shock. They preserved the viscera and handed them over to the police official accompanying the dead body. They issued the report (Ext.PW6/A). The samples were sent to SFSL Junga for analysis, and a report (Ext.PX) was issued

mentioning that the viscera, blood sample of the deceased and gastric lavage contained phosphene gas. The final report issued by Dr R.K. Ahluwalia (PW6) stated that the cause of death was shock from phosphide poisoning. The statements of witnesses were recorded as per their version, and after the completion of the investigation, the challan was prepared and presented before the learned Judicial Magistrate First Class, Baijnath, who committed it to the learned Sessions Judge, Kangra, at Dharmshala (learned Trial Court) for trial.

3. Learned Trial Court charged the accused with the commission of offences punishable under Section 498A and 306, read with Section 34 of IPC, to which they pleaded not guilty and claimed to be tried.

4. The prosecution examined 16 witnesses to prove its case. Kashmir Singh (PW1) is the informant. Shakuntla Devi (PW2) was the Pradhan of the Gram Panchayat, who used to counsel the accused. Krishna Devi (PW3) is the mother, and Jaswant Singh (PW5) is the uncle of the deceased. Lok Ram (PW4) witnessed the recovery. Dr R.K. Ahluwalia (PW6) conducted the postmortem examination of the deceased. Ajay Kumar (PW7) took the photographs. HHC Uttam Chand (PW8)

carried the samples to the SFSL. MHC Punni Chand (PW9) was working as an MHC with whom the case property was deposited. Dr Sunita Kashyap (PW10) conducted the initial examination of the deceased. SI Rajinder Pal (PW11) signed the FIR. ASI Partap Singh (PW12), SI Lachman Dass (PW15) and Mangat Ram (PW16) investigated the matter. Girdhari Lal (PW13) was told about the harassment. Om Parkash (PW14) prepared the challan.

5. Accused in their statements recorded under Section 313 of Cr.P.C. denied the prosecution's case in its entirety. They stated that prosecution witnesses were interested and made false statements against them under the pressure of the police. They claimed that they were innocent and had not committed any offence. They stated that they wanted to lead defence evidence, but subsequently, their counsel made a statement that no evidence was to be led.

6. Learned Trial Court held that the statements of the prosecution witnesses corroborated each other. It was duly proved on record that the accused used to harass the deceased. They were counselled not to do so, and they apologized. The apology made by them corroborated the prosecution's version regarding the harassment. Their harassment led the deceased to

commit suicide. Hence, the learned Trial Court convicted the accused of the commission of offences punishable under Sections 498A and 306 of IPC, read with Section 34 of IPC and sentenced them as aforesaid.

7. Being aggrieved by the judgment and order passed by the learned Trial Court, the accused have filed separate appeals asserting that the learned Trial Court failed to properly appreciate the evidence on record. The prosecution's evidence was insufficient to prove that the accused had maltreated the deceased. The evidence was not appreciated holistically. The statements of interested witnesses were required to be seen with due care and caution. No complaint was ever made to Pradhan regarding the harassment, which falsifies the testimonies of the prosecution witnesses about the harassment of the deceased. Therefore, it was prayed that the present appeal be allowed and the judgment and order passed by the learned Trial Court be set aside.

8. I have heard Mr. Rajesh Mandhotra, learned counsel representing the appellant/accused, and Mr. Jitender Kumar Sharma, learned Additional Advocate General, for the respondent /State.

9. Mr. Rajesh Mandhotra, learned counsel representing the appellant/accused, submitted that the learned Trial Court erred in appreciating the evidence on record. The prosecution witnesses made generalized statement regarding the harassment without any particulars of date, place and time. These were not sufficient to constitute cruelty. No complaint was made to any authority during Sapna's lifetime regarding the harassment. Learned Trial Court failed to appreciate the evidence holistically and relied upon some stray sentences in the statements of witnesses, which is not a proper method to appreciate the evidence. Therefore, he prayed that the present appeals be allowed and the judgment and order passed by the learned Trial Court be set aside. He relied upon the judgments of this Court in *Suresh Kumar and another vs. State of H.P. 2024:HHC:7119* and *Ishro Devi and State of H.P. 2025:HHC:25967* in support of his submission.

10. Mr. Jitender Kumar Sharma, learned Additional Advocate General for the respondent/State, submitted that the prosecution witnesses consistently deposed about the harassment of the deceased by the accused. Shakuntla Devi (PW2) corroborated this fact. The efforts were made by the



relatives of the deceased to save the marriage, and failure to make a complaint to any authority is not fatal to the prosecution's case. Hence, he prayed that the present appeals be dismissed.

11. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

12. It was laid down by the Hon'ble Supreme Court in *Neelu Chopra v. Bharti*, (2009) 10 SCC 184: (2010) 1 SCC (Cri) 286: 2009 SCC OnLine SC 1693 that the Court has to see that particulars of the offences committed by every accused and the role played by the accused in committing the offence are given in the complaint made to the police. It was observed: -

*"9. To lodge a proper complaint, the mere mention of the sections and the language of those sections is not the be-all and end-all of the matter. What is required to be brought to the notice of the court is the particulars of the offence committed by each and every accused and the role played by each and every accused in committing that offence.*

10. When we see the complaint, it is sadly vague. It does not show as to which of the accused has committed what offence, and what is the exact role played by these appellants in the commission of the offence. There could be said that something is against Rajesh, as the allegations are made against him more precisely, but he is no more and has already expired. Under such circumstances, it would be an abuse of the process of law to allow the prosecution to continue against the aged parents of Rajesh, the present appellants herein, on the basis of a

vague and general complaint which is silent about the precise acts of the appellants.” (Emphasis supplied)

13. Similarly, it was held in *Abhishek v. State of M.P.*, 2023 SCC OnLine SC 1083: 2023 INSC 779 that the tendency of false implication by way of general omnibus allegations, if left unchecked, would result in the misuse of the process of law. It was observed:

“13. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in *Kahkashan Kausar alias Sonam v. State of Bihar* [(2022) 6 SCC 599], this Court had occasion to deal with a similar situation where the High Court had refused to quash an FIR registered for various offences, including Section 498A IPC. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498A IPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife, and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused, and such an exercise ought to be discouraged.

**14.** *In Preeti Gupta v. State of Jharkhand (2010) 7 SCC 667*, this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498A IPC. It was observed that the Courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, such as allegations of harassment by the husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care and circumspection.

**15.** Earlier, in *Neelu Chopra v. Bharti (2009) 10 SCC 184*, this Court observed that the mere mention of statutory provisions and the language thereof for lodging a complaint is not the 'be all and end all' of the matter, as what is required to be brought to the notice of the Court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498A IPC." (Emphasis supplied)

**14.** It was held in *Achin Gupta v. State of Haryana, 2024 SCC OnLine SC 759:2024 INSC 369* that asking a person to face criminal allegations without any specific instance of criminal misconduct amounts to an abuse of the process of the Court. It was observed:

**"18.** The plain reading of the FIR and the chargesheet papers indicates that the allegations levelled by the First Informant are quite vague, general and sweeping, specifying no instances of criminal conduct. It is also pertinent to note that in the FIR, no specific date or time of the alleged offence/offences has been disclosed. Even the police thought it fit to drop the proceedings against the other members of the Appellants' family. Thus, we are of the view that the FIR lodged by Respondent No. 2 was

nothing but a counterblast to the divorce petition & also the domestic violence case.

*25. If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but an abuse of the process of the court. The court owes a duty to subject the allegations levelled in the complaint to thorough scrutiny to find out, prima facie, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute.” (Emphasis supplied)*

15. It was further held that in matrimonial disputes, the parents, including the close relatives, make a mountain out of a molehill, and every matrimonial conduct amounting to nuisance does not constitute cruelty. It was observed: -

*“32. Many times, the parents, including the close relatives of the wife, make a mountain out of a molehill. Instead of salvaging the situation and making every possible endeavour to save the marriage, their action, either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about the destruction of the marriage over trivial issues. The first thing that comes to mind for the wife, her parents and her relatives is the Police as if the Police is the panacea of all evil. No sooner does the matter reach the Police than even if there are fair chances of reconciliation between the spouses, they would get destroyed. The foundation of a sound marriage is tolerance, adjustment and respecting one another. Tolerance of each other's faults, to a certain bearable extent, has to be inherent in every marriage. Petty quibbles and trifling differences are mundane matters and should not be exaggerated and blown out of proportion to destroy what is said to have been made in heaven. The Court must appreciate that all quarrels must be weighed from that point of view in determining what*

constitutes cruelty in each particular case, always keeping in view the physical and mental conditions of the parties, their character and social status. A very technical and hyper-sensitive approach would prove to be disastrous for the very institution of marriage. In matrimonial disputes, the main sufferers are the children. The spouses fight with such venom in their hearts that they do not think even for a second that if the marriage would come to an end, then what would be the effect on their children? Divorce plays a very dubious role so far as the upbringing of the children is concerned. The only reason why we are saying so is that, instead of handling the whole issue delicately, the initiation of criminal proceedings would bring about nothing but hatred for each other. There may be cases of genuine ill-treatment and harassment by the husband and his family members towards the wife. The degree of such ill-treatment or harassment may vary. However, the Police machinery should be resorted to as a measure of last resort and that too in a very genuine case of cruelty and harassment. The Police machinery cannot be utilised for the purpose of holding the husband to ransom so that he could be squeezed by the wife at the instigation of her parents, relatives or friends. In all cases where the wife complains of harassment or ill-treatment, Section 498A of the IPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323 of the IPC. Every matrimonial conduct which may cause annoyance to the other may not amount to cruelty. Mere trivial irritations and quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty”

16. Similarly, it was held in *Mamidi Anil Kumar Reddy v. State of A.P.*, 2024 SCC OnLine SC 127: 2024 (2) SCR 252 that the phenomenon of false implication by a general omnibus allegation in the case of a matrimonial dispute is not unknown to the Court. It was observed: -

“14. In the considered opinion of this Court, there is significant merit in the submissions of the Learned Counsel for the Appellants. A bare perusal of the complaint, statement of witnesses and the charge sheet shows that the allegations against the Appellants are wholly general and omnibus in nature; even if they are taken in their entirety, they do not *prima facie* make out a case against the Appellants. The material on record neither discloses any particulars of the offences alleged nor discloses the specific role/allegations assigned to any of the Appellants in the commission of the offences.

15. The phenomenon of false implication by way of general omnibus allegations in the course of matrimonial disputes is not unknown to this Court. In *Kahkashan Kausar alias Sonam v. State of Bihar* (2022) 6 SCC 599, this Court dealt with a similar case wherein the allegations made by the complainant-wife against her in-laws u/s. 498A and others were vague and general, lacking any specific role and particulars. The court proceeded to quash the FIR against the accused persons and noted that such a situation, if left unchecked, would result in the abuse of the process of law.

xxxx

17. Considering the dicta in *Mahmood Ali* (supra), we find that the High Court, in this case, has failed to exercise due care and has mechanically permitted the criminal proceedings to continue despite specifically finding that the allegations are general and omnibus in nature. The Appellants herein approached the High Court on *inter alia* grounds that the proceedings were re-initiated on vexatious grounds and even highlighted the commencement of divorce proceedings by Respondent No. 2. In these peculiar circumstances, the High Court had a duty to consider the allegations with great care and circumspection so as to protect against the danger of unjust prosecution.”

17. It was laid down by the Hon’ble Supreme Court in

*Kailashben Mahendrabhai Patel v. State of Maharashtra*, 2024 SCC



*OnLine SC 2621*, that general and vague allegations of cruelty made against the husband and his relatives are not sufficient to constitute cruelty. It was observed: -

“10.1 The tendency to make general, vague, and omnibus allegations is noticed by this Court in many decisions. In *Usha Chakraborty v. State of W.B.* 2023 SCC *OnLine SC 90*, this court observed that:

“16... the respondent alleged commission of offences under Sections 323, 384, 406, 423, 467, 468, 420 and 120B, IPC against the appellants. A bare perusal of the said allegation and the ingredients to attract them, as adverted to hereinbefore, would reveal that the allegations are vague and they do not carry the essential ingredients to constitute the alleged offences.... The ingredients to attract the alleged offence referred to hereinbefore and the nature of the allegations contained in the application filed by the respondent would undoubtedly make it clear that the respondent had failed to make specific allegations against the appellants herein in respect of the aforesaid offences. The factual position thus would reveal that the genesis as well as the purpose of criminal proceedings are nothing but the aforesaid incident, and further that the dispute involved is essentially of a civil nature. The appellants and the respondents have given a cloak of a criminal offence in the issue...”

10.2 Similarly, dealing with allegations lacking in particulars and details, in *Neelu Chopra v. Bharti* (2009) 10 SCC 184, this court observed that:

“7. ...what strikes us is that there are no particulars given as to the date on which the ornaments were handed over, as to the exact number of ornaments or their description and as to the date when the ornaments were asked back and were refused. Even

the weight of the ornaments is not mentioned in the complaint, and it is a general and vague complaint that the ornaments were sometimes given in the custody of the appellants, and they were not returned. What strikes us more is that even in Para 10 of the complaint, where the complainant says that she asked for her clothes and ornaments, which were given to the accused, and they refused to give these back, the date is significantly absent.”

**XXXX**

12. The complaint also refers to a small incident where the complainant's brother accompanied her to the matrimonial house when appellants no. 1 and 3 are alleged to have refused to take her back, but on persuasion by her brother, she was allowed to stay. There is also a vague allegation that, when the complainant gave birth to a second child, appellants 1 and 2 came and “quarrelled” with the complainant, her brother, and her parents and threatened them. This Court had occasion to examine the phenomenon of general and omnibus allegations in the cases of matrimonial disputes. In *Mamidi Anil Kumar Reddy v. State of A.P.* 2024 SCC OnLine SC 127, this Court observed that:

“14. ...A bare perusal of the complaint, statement of witnesses and the charge sheet shows that the allegations against the Appellants are wholly general and omnibus in nature; even if they are taken in their entirety, they do not prima facie make out a case against the Appellants. The material on record neither discloses any particulars of the offences alleged nor discloses the specific role/allegations assigned to any of the Appellants in the commission of the offences.

15. The phenomenon of false implication by way of general omnibus allegations in the course of matrimonial disputes is not unknown to this Court. In *Kahkashan Kausar alias Sonam v. State of Bihar*, this Court dealt with a similar case wherein the allegations made by the complainant-wife



against her in-laws u/s. 498A and others were vague and general, lacking any specific role and particulars. The court proceeded to quash the FIR against the accused persons and noted that such a situation, if left unchecked, would result in the abuse of the process of law.”

XXXX

**13.1** In *Kahkashan Kausar v. State of Bihar* (2022) 6 SCC 599, this Court noticed the injustice that may be caused when parties are forced to go through the tribulations of a trial based on general and omnibus allegations. The relevant portion of the observation is as under:

“11. ... In recent times, matrimonial litigation in the country has also increased significantly, and there is greater disaffection and friction surrounding the institution of marriage now more than ever. This has resulted in an increased tendency to employ provisions such as Section 498-A IPC as instruments to settle personal scores against the husband and his relatives.

18. ... upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that “all the accused harassed her mentally and threatened her with terminating her pregnancy. Furthermore, no specific and distinct allegations have been made against either of the appellants herein, i.e. none of the appellants has been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are, therefore, general and omnibus and can, at best, be said to have been made out on account of small skirmishes... However, as far as the appellants are concerned, the allegations made against them, being general and omnibus, do not warrant prosecution.

21. ...it would be unjust if the appellants are forced to go through the tribulations of a trial, i.e. general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo a trial. It has been highlighted by this Court in varied instances that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must, therefore, be discouraged.”

18. This position was reiterated in *Dara Lakshmi Narayana v. State of Telangana*, 2024 SCC OnLine SC 3682, wherein it was observed:

18. A bare perusal of the FIR shows that the allegations made by respondent No. 2 are vague and omnibus. Other than claiming that appellant No. 1 harassed her and that appellant Nos. 2 to 6 instigated him to do so, respondent No. 2 has not provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place, or manner in which the alleged harassment occurred. Therefore, the FIR lacks concrete and precise allegations.

19. This position was reiterated in *Geddani Jhansi v. State of Telangana*, 2025 SCC OnLine SC 263, wherein it was observed:

“31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when the specific act(s) which constitute offences punishable under the Penal Code or any other penal statute are alleged or attributed to the accused and a *prima facie* case is made out. It applies with equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection,

cordiality and mutual trust. The institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. For the aforesaid reason, the preservation of family relationships has always been emphasised. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings, rupturing the family bond, courts should be circumspect and judicious and should allow invocation of the criminal process only when there are specific allegations with supporting materials which clearly constitute criminal offences.

32. We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.

33. It goes without saying that genuine cases of cruelty and violence in the domestic sphere, which do happen, ought to be handled with utmost sensitivity. Domestic violence typically happens within the four walls of the house and not in the public gaze. Therefore, such violence is not noticed by the public at large, except perhaps by the immediate neighbours. Thus, providing visible evidence by the victim of domestic violence may not be easily forthcoming and producing direct evidence may be hard and arduous, which does not necessarily mean that

domestic violence does not occur. In fact, to deal with this pernicious phenomenon, stringent statutes like the Protection from Domestic Violence Act, 2005, have been enacted with a very expansive meaning and scope of what amounts to domestic violence. Since violence perpetrated within the domestic sphere by close relatives is now criminalised, entailing serious consequences on the perpetrators, the courts have to be careful while dealing with such cases by examining whether there are specific allegations with instances against the perpetrators and not generalised allegations. The purpose and mandate of the law to protect the victims of domestic violence is of paramount importance, and as such, a balance has to be struck by ensuring that while perpetrators are brought to book, all the family members or relatives are not indiscriminately brought within the criminal net in a sweeping manner.

34. For a matrimonial relationship which is founded on the basis of cordiality and trust to turn sour to an extent to make a partner hurl allegations of domestic violence and harassment against the other partner, would normally not happen at the spur of the moment, and such an acrimonious relationship would develop only in the course of time. Accordingly, such a situation would be the culmination of a series of acts which turn, otherwise, an amicable relationship into a fractured one. Thus, in such cases involving allegations of domestic violence or harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against the perpetrators in specific terms to rope such perpetrators in the criminal proceedings sought to be initiated against them. Thus, mere general allegations of harassment without pointing out the specifics against such perpetrators would not suffice, as is the case in respect of the present appellants.

35. We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who is accused of such offences and

sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated on the victim and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without *prima facie* evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence would amount to abuse of the process of law.”

20. The prosecution evidence has to be appreciated as per the parameters laid down by the Hon’ble Supreme Court.

21. The informant’s statement (Ext.PW1/A) does not contain any details of the harassment. He had made general allegations that the accused started harassing the deceased one month after her marriage. They used to demand dowry and money. The nature of the harassment or demand was not specified. It was not mentioned as to how much money was demanded by the accused from the deceased and whether the informant or any other person had satisfied the demand. Therefore, the statement (Ext.PW1/A) does not satisfy the requirements laid down by the Hon’ble Supreme Court.

22. Kashmir Singh (PW1) stated that all three accused started maltreating and insulting Sapna to meet their demand for dowry and money after about one month of her marriage. The marriage of Sapna was solemnized without any dowry because she belonged to a poor family; however, her relatives gave her a few gifts. Sapna used to inform her relatives about the maltreatment, beating and demand of dowry. The informant, his mother Krishna Devi (PW3), Shankuntla Devi (PW2) and Jaswant Singh (PW5) went to the house of the accused to counsel them, and the accused apologized. However, their behaviour did not improve. Sapna visited her parental home 14-15 days before her death, and told her relatives about the harassment. He accompanied the deceased to her matrimonial home on 04.07.2008. He stayed in her matrimonial home during the night and returned on 05.07.2008 at about 5-6 PM. The accused taunted Sapna and misbehaved with her.

23. The testimony of this witness that the accused taunted and misbehaved with Sapna in his presence is not supported by his conduct. He stayed with Sapna in her matrimonial home till 5-6 PM and did not make any effort to bring her back or to counsel the accused. He had not told his

mother or Shakuntla Devi (PW2) about the harassment of the deceased. Therefore, it is difficult to rely upon his testimony that the accused had taunted the deceased in his presence.

24. He made a general statement that accused used to harass the deceased and demand dowry and cash. He has not given the particulars of the harassment and its nature. He has also not specified the kind of dowry or the amount of cash demanded by the accused. He admitted that the accused had not demanded any dowry at the time of the marriage because of his poverty. It is not explained why the accused would start demanding the dowry after the marriage when they were aware of the informant's financial condition.

25. He specifically stated in his cross-examination that no demand for dowry was made from him. If the accused were desperate to get the dowry from the deceased, nothing prevented them from making the demand directly from the informant. He admitted in his cross-examination that he had not made any complaint to any person during the lifetime of the deceased, which makes it difficult to rely upon his version that the accused were harassing the deceased. He claimed that he had made a complaint to the Pradhan of the Gram Panchayat of the accused,



but the Pradhan was not examined to establish this fact. Thus, the testimony of this witness cannot be relied upon to prove the harassment/cruelty.

26. Shakuntla Devi (PW2) stated that Sapna was the sister of her daughter-in-law. The accused started maltreating, insulting and beating Sapna to meet the demand of dowry and cash. The marriage of Sapna was solemnized without any dowry because her mother and brother were very poor, and her father had died before her marriage. She (Shakuntla Devi) went to the house of the accused to counsel them. The accused apologize but their behaviour did not improve. She also called Lok Ram (PW4) (Pradhan of Rajot) to settle the matter, but he refused to do so. Ex-Pradhan Dhogru was also associated, and he also counselled the accused.

27. Her testimony is also vague and general in nature. She has not specified the nature of the dowry or the amount of cash demanded by the accused. She also admitted that the marriage was solemnised without any dowry because the relatives of Sapna were poor. She claimed that she had told Lok Ram and Dhogru, but none of these witnesses was examined to corroborate this



version. She is the relative of the deceased, being the mother-in-law of Sapna's sister and cannot be called an independent person.

28. She admitted in her cross-examination that she had not made any complaint to any person regarding the harassment. She admitted that Ram Pal was serving in Delhi and that the accused Ram Pal used to request the deceased to stay with him in Delhi. She volunteered to say that the deceased had stayed in Delhi. She admitted that the deceased was not interested in going to Delhi and residing with the accused. She was not aware that Sanjeev Kumar was also serving outside the State.

29. Her cross-examination shows that Ram Pal was serving in Delhi. Therefore, he could not have harassed the deceased in her matrimonial home. She admitted that the deceased refused to reside in Delhi with her husband, which falsifies the version that the deceased was being harassed in her matrimonial home. She would have been happy to leave the matrimonial home where she was being harassed and settle in Delhi, but she refused to do so. She also admitted that she had not made any complaint to any person regarding the harassment. All these circumstances make it difficult to rely upon her testimony regarding the harassment of the deceased.

30. Krishna Devi (PW3) stated that the accused used to insult and beat Sapna for not bringing dowry. They compelled Sapna to bring dowry and cash from her parental home. Sapna made complaints regarding the cruel behaviour and demand of dowry by the accused persons. She, Kashmir Singh (PW1), Jashwant Singh (PW5) and Shakuntla Devi (PW2) went to the house of the accused to counsel them. The accused used to apologize but their behaviour did not improve. Sapna disclosed before her death that she had gone to Delhi with her husband and mother-in-law, where she was maltreated and beaten.

31. Her testimony is also vague and general in nature. She has not specified the nature of the dowry or the amount of cash demanded by the accused. She claimed that the deceased had told her 3-4 times about her harassment, but she did not specify the action taken by her to mitigate the harassment. She stated that she went to the matrimonial home of Sapna, where the accused apologised for their behaviour, but their harassment continued. She has not explained why she had not taken any action for the continuous harassment, even after the apology of the accused. Her statement that Sapna had gone to Delhi, where she was harassed, was not mentioned in the initial statement made to the

police. She admitted in her cross-examination that the husband of her other daughter, Kalpana, had also worked in Delhi. The prosecution did not examine him to prove that any complaint was made by Sapna to him regarding the harassment. She admitted that she has not made any complaint to any person regarding the cruelty. Her conduct of not making any complaint to any person does not support her statement regarding the harassment.

32. Jaswant Singh (PW5) stated that the accused started maltreating Sapna after 11½ months of her marriage. They used to beat and maltreat her for the demand of dowry. The marriage was solemnized without any dowry. However, he and other relatives had given few gifts to Sapna. Ram Pal worked in Delhi, and he used to visit his home in between. Sapna told him about the maltreatment and the demand for dowry. He went to the house of the accused twice to settle the matter. Krishana Devi (PW3), Shakuntla Devi (PW2) and Binta Devi had accompanied him to the house of the accused on one occasion. Krishna Devi (PW3) and Shakuntla Devi (PW2) had accompanied him on the second occasion. The accused used to apologize but their behaviour did not improve. He stated in his cross-examination that the

distance between his village and the village of the accused was about 40 kms. He had not disclosed the name of Binta Devi to the police. He never lodged any report to any person regarding the harassment. The accused never made any demand of dowry before or at the time of the marriage.

33. The statement of this witness is also general and vague. He has not mentioned the date of his visit to the house of the accused. His admission that he had not made any report to any person regarding the harassment falsifies his statement that the accused used to harass the deceased.

34. Girdhari Lal (PW13) stated that accused Meenki Devi had called him to her home because her relatives had visited her house. The mother of the deceased was present in the house, who told him that the parents-in-law of the deceased used to quarrel with her. He advised them to live in a cordial atmosphere. He stated in his cross-examination that the husband of the deceased and brother-in-law of the deceased used to work in Delhi. The deceased used to reside in a cordial manner with her parents-in-law. He had not heard any quarrel.

35. The cross-examination of this witness falsifies the prosecution's case. He specifically stated that he had not

seen/heard any quarrel, and the deceased used to live cordially with her parents-in-law. Thus, his testimony does not advance the prosecution's case.

36. Girdhari Lal (PW13) admitted in his cross-examination that the accused had taken the deceased to the hospital. This statement shows that the accused never intended that the deceased should commit suicide; otherwise, they would not have accompanied him to the hospital. The conduct of the accused is inconsistent with their guilt. It was laid down by the Hon'ble Supreme Court in *State of Rajasthan v. Prithvi Raj*, 1995 Supp (3) SCC 410: 1995 SCC (Cri) 934 that where the accused took the deceased to the hospital, it is quite consistent with their innocence. It was observed at page 412:

“5. It is true, as contended by the learned counsel, that the manner of appreciation of the evidence in respect of the dying declaration is not altogether sound. *But the High Court has rightly held that the immediate conduct of the accused and his parents in rushing the deceased to the hospital immediately by arranging a jeep is quite consistent with their being innocent.* However, we find that the overall reasoning of the High Court in giving the benefit of the doubt to the accused cannot be said to be wholly unsound and does not stand judicial scrutiny...”

37. It was laid down by the Hon'ble Supreme Court in *Naresh Kumar versus the State of Haryana* (2024) 3 SCC 573 that the prosecution is required to prove that the accused had created

such circumstances that the deceased was left with no other option but to commit suicide. It was observed:

“17. This Court in *Geo Varghese v. State of Rajasthan* [*Geo Varghese v. State of Rajasthan*, (2021) 19 SCC 144], considering the provisions of Section 306 IPC along with the definition of abetment under Section 107 IPC, observed as under: (SCC pp. 149-50, paras 14-16)

“14. Section 306IPC makes abetment of suicide a criminal offence and prescribes punishment for the same. ...

15. The ordinary dictionary meaning of the word “instigate” is to bring about or initiate, incite someone to do something. This Court in *Ramesh Kumar v. State of Chhattisgarh* [*Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 SCC 618: 2002 SCC (Cri) 1088], has defined the word “instigate” as under: (SCC p. 629, para 20)

‘20. Instigation is to goad, urge forward, provoke, incite or encourage to do “an act”.’

16. The scope and ambit of Section 107 IPC and its correlation with Section 306 IPC have been discussed repeatedly by this Court. In *S.S. Chheena v. Vijay Kumar Mahajan* [*S.S. Chheena v. Vijay Kumar Mahajan*, (2010) 12 SCC 190: (2011) 2 SCC (Cri) 465], it was observed as under: (SCC p. 197, para 25)

‘25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, a conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court are clear that to convict a person under Section 306 IPC, there has to be a clear *mens rea* to commit the offence. It also requires an active act or direct act which led the deceased

to commit suicide, seeing no option, and that act must have been intended to push the deceased into such a position that he committed suicide.”

18. This Court in *M. Arjunan v. State* [*M. Arjunan v. State*, (2019) 3 SCC 315; (2019) 2 SCC (Cri) 219], while explaining the necessary ingredients of Section 306 IPC in detail, observed as under: (SCC p. 317, para 7)

“7. The essential ingredients of the offence under Section 306 IPC are (i) the abetment and (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language, will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such an act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, the accused cannot be convicted under Section 306 IPC.”

19. This Court in *Ude Singh v. State of Haryana* [*Ude Singh v. State of Haryana*, (2019) 17 SCC 301; (2020) 3 SCC (Cri) 306], held that to convict an accused under Section 306IPC, the state of mind to commit a particular crime must be visible with regard to determining the culpability. It was observed as under: (SCC pp. 321-22, para 16)

“16. In cases of alleged abetment of suicide, there must be proof of direct or indirect acts (s) of incitement to the commission of suicide. It could hardly be disputed that the question of the cause of suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of an accusation of abetment of suicide, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, a mere allegation of harassment



of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide, and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted the commission of suicide by another or not could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted the commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of the accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused, by his acts and by his continuous course of conduct, creates a situation which leads the deceased to perceive no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of *mens rea* on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused, and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide.



Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.”

20. This Court in *Mariano Anto Bruno v. State* [*Mariano Anto Bruno v. State*, (2023) 15 SCC 560: 2022 SCC OnLine SC 1387], after referring to the above-referred decisions rendered in the context of culpability under Section 306 IPC, observed as under: (SCC para 45)

“45. ... 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, a conviction in terms of Section 306 IPC is not sustainable.”

21. This Court in *Gurcharan Singh v. State of Punjab* [*Gurcharan Singh v. State of Punjab*, (2020) 10 SCC 200: (2021) 1 SCC (Cri) 417], observed that whenever a person instigates or intentionally aids by any act or illegal omission, the doing of a thing, a person can be said to have abetted in doing that thing. To prove the offence of abetment, as specified under Section 107IPC, the state of mind to commit a particular crime must be visible to determine the culpability.

22. This Court in *Kashibai v. State of Karnataka* [*Kashibai v. State of Karnataka*, (2023) 15 SCC 751: 2023 SCC OnLine SC 575], observed that to bring the case within the purview of “abetment” under Section 107IPC, there has to be an evidence with regard to the instigation, conspiracy or intentional aid on the part of the accused and for the purpose proving the charge under Section 306IPC, also there has to be an evidence with regard to the positive act on the part of the accused to instigate or aid to drive a person to commit suicide.

23. Had there been any clinching evidence of incessant harassment on account of which the wife was left with no other option but to put an end to her life, it could have been said that the accused intended the consequences of his act, namely, suicide. A person *intends* a consequence when he (1) *foresees* that it will happen if the given series of acts or omissions continues and (2) *desires* it to happen. The most serious level of *culpability*, justifying the most serious levels of *punishment*, is achieved when both these components are actually present in the accused's mind (a "subjective" test).

24. For *intention in English law*, Section 8 of the Criminal Justice Act, 1967, provides the frame in which the mens rea is assessed. It states:

"A court or jury, in determining whether a person has committed an offence,

(a) shall not be bound in law to infer that he intended or foresaw a result of his actions by reason only of its being a natural and probable consequence of those actions, but

(b) shall decide whether he did intend or foresee that result by reference to all the evidence, drawing such inferences from the evidence as appear proper in the circumstances."

Under Section 8(b), therefore, the jury is allowed wide latitude in applying a hybrid test to impute intent or foresight on the basis of all the evidence.

25. It is now well settled that in order to convict a person under Section 306 IPC, there has to be a clear mens rea to commit the offence. Mere harassment is not sufficient to hold an accused guilty of abetting the commission of suicide. It also requires an active act or direct act that led the deceased to commit suicide. The ingredient of mens rea cannot be assumed to be ostensibly present but has to be visible and conspicuous.

38. This position was reiterated in *Patel Babubhai Manohardas and others vs State of Gujarat 2025 INSC 322*, wherein it was observed:

15. Attempt to commit suicide is an offence in India. Section 309 IPC says that whoever attempts to commit suicide and does any act towards such an act shall be punished with simple imprisonment for a term which may extend to one year or with a fine or with both. However, once suicide is carried out, the offence is complete. Considering the nature of the offence, obviously, such a person would be beyond the reach of the law. Therefore, the question of penalising him would not arise, but whoever abets the commission of such a suicide would be penalised under Section 306 IPC. The punishment prescribed under Section 306 IPC is imprisonment of either description for a term which may extend to 10 years, and shall also be liable to a fine. What Section 306 IPC says is that if any person commits suicide, then whoever abets the commission of such suicide shall be punished as above.

16. Therefore, the crucial word in Section 306 IPC is 'abets'. 'Abetment' is defined in Section 107 of the IPC. As per Section 107 IPC, a person would be abetting the doing of a thing if he instigates any person to do that thing, if he encourages one or more person or persons in any conspiracy for doing that thing or if he intentionally aids by any act or illegal omission in doing that thing. There are two explanations for Section 107. As per Explanation 1, even if a person, by way of wilful misrepresentation or concealment of a material fact which he is otherwise 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. Explanation 2 clarifies that whoever does anything in order to facilitate the commission of an act, either prior to or at the time of the commission of the act, is said to aid in the doing of that act.

17. Section 114 IPC is an explanation or clarification of Section 107 IPC. What Section 114 IPC says is that whenever

any person is absent but was present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such an act or offence and would be liable to be punished as an abettor.

18. In *Ramesh Kumar v. State of Chhattisgarh* (2001) 9 SCC 618, this Court held that to 'instigate' means to goad, urge, provoke, incite or encourage to do 'an act'. To satisfy the requirement of 'instigation', it is not necessary that actual words must be used to that effect or that the words or act should necessarily and specifically be suggestive of the consequence. Where the accused, by his act or omission or by his continued course of conduct, creates a situation that the deceased is left with no other option except to commit suicide, then 'instigation' may be inferred. A word uttered in a fit of anger or emotion without intending the consequences to actually follow cannot be said to be 'instigation'

19. Elaborating further, this Court in *Chitresh Kumar Chopra versus State (Govt. of NCT of Delhi)* (2009) 16 SCC 605 observed that to constitute 'instigation', a person who instigates another has to provoke, incite, urge or encourage the doing of an act by the other by 'goadings' or 'urging forward'. This Court summed up the constituents of 'abetment' as under:

(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, the presence of *mens rea* is the necessary concomitant of instigation.

20. *Amalendu Pal alias Jhantu versus State of West Bengal* (2010) 1 SCC 707 is a case where this Court held that in a case of alleged abetment of suicide, there must be proof of

direct or indirect act(s) 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 deceased to commit suicide, conviction in terms of Section 306 IPC would not be sustainable. A similar view has been expressed by this Court in the case of *Ude Singh versus State of Haryana* (2019) 17 SCC 301.

21. After considering the provisions of Sections 306 and 107 of IPC, this Court in *Rajesh versus State of Haryana* (2020) 15 SCC 359 held that conviction under Section 306 IPC is not sustainable 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.

22. Abetment to commit suicide involves a mental process of instigating a person or intentionally aiding a person in the doing of a thing. Without a positive proximate act on the part of the accused to instigate or aid in committing suicide, a conviction cannot be sustained. Besides, in order to convict a person under Section 306 IPC, there has to be a clear *mens rea* to commit the offence.

23. This Court in *Amudha versus State* 2024 INSC 244 held that there has to be an act of incitement on the part of the accused proximate to the date on which the deceased committed suicide. The act attributed should not only be proximate to the time of suicide but should also be of such a nature that the deceased was left with no alternative but to take the drastic step of committing suicide.

24. Again, in the case of *Kamaruddin Dastagir Sanadi versus State of Karnataka* (2024) SCC Online SC 3541, this Court observed that discord and differences in domestic life are quite common in society. The commission of suicide largely depends upon the mental state of the victim. Until and unless some guilty intention on the part of the accused is established, it is ordinarily not possible to convict the accused for an offence under Section 306 IPC.

25. *Prakash versus State of Maharashtra*. 2024 INSC 1020 is a case where this Court, after analysing various decisions on

the point, summed up the legal position in the following manner:

14. Section 306 read with Section 107 of the IPC has been interpreted, time and again, and its principles are well established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear *mens rea* to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide.

25.1. In the aforesaid judgment, this Court referred to its earlier decision in *Sanju @ Sanjay Singh Sengar versus State of M.P. (2002) 5 SCC 371* and held that in a given case, even a time gap of 48 hours between the use of abusive language by the accused and the commission of suicide would not amount to a proximate act.”

39. In the present case, the evidence on record is insufficient to conclude that the accused had created such circumstances that the deceased was left with no other option but to commit suicide.

40. Learned Trial Court was impressed by the fact that witnesses had made consistent statements regarding the apologies, which showed that the prosecution’s case was true; otherwise, the accused had no reason to apologize for their conduct. However, the learned Trial Court failed to appreciate that there was no satisfactory evidence of this fact. The witnesses



who claimed to be present on the spot at the time of the apology were never examined, and the prosecution relied upon the statements of the related witnesses. Therefore, this fact by itself was not sufficient to record the conviction of the accused.

41. No other point was urged.

42. In view of the above, the judgments and order passed by the learned Trial Court cannot be sustained; hence, the present appeals are allowed, and the judgments and order passed by the learned Courts below are set aside. The appellants/accused are acquitted of the commission of offences punishable under Sections 498A and 306 read with Section 34 of the IPC. The fine, if deposited be refunded to the appellants/accused after the expiry of the period of limitation, in case no appeal is preferred, and in case of appeal, the same be dealt with as per the orders of the Hon'ble Supreme Court of India.

43. In view of the provisions of Section 437-A of the Code of Criminal Procedure [Section 481 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)], the appellants/accused are directed to furnish personal bond in the sum of ₹25,000/- each with one surety each in the like amount to the satisfaction of the learned Registrar (Judicial) of this Court/learned Trial Court,

within four weeks, which shall be effective for six months with stipulation that in the event of Special Leave Petition being filed against this judgment, or on grant of the leave, the appellants/accused, on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.

44. A copy of this judgment, along with the records of the learned Trial Court, be sent back forthwith. Pending miscellaneous application(s), if any, also stand(s) disposed of.

**(Rakesh Kainthla)**  
**Judge**

1<sup>st</sup> January, 2026  
(Nikita)