



IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA

Criminal Appeal No: 147 of 2014
Reserved on: 28.02.2026.
Pronounced on : 30.05.2026.

State of Himachal Pradesh

...Appellant

versus

Surender Pal

...Respondent

Coram:

Hon'ble Mr. Justice Vivek Singh Thakur, Judge
Hon'ble Mr. Justice Ranjan Sharma, Judge

¹*Whether approved for reporting? Yes.*

For the appellant: Mr. Raj Negi, Deputy Advocate
General.

For the respondent: Ms. Sheetal Vyas, Advocate.

Ranjan Sharma, Judge

State of Himachal Pradesh, being the appellant, has come up in the instant appeal, under Section 378 of the Code of Criminal Procedure, assailing the judgment dated 16.11.2013 [**referred to as the "Impugned Judgement"**] passed by Learned Additional Sessions Judge-III, Kangra at Dharamshala [HP], in Sessions Case No.8-B/VII/13, titled as State of Himachal Pradesh versus Surender Pal, whereby respondent was acquitted of offences under Sections 498-A and 306 IPC.

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*



PROSECUTION STORY:

2. Case of the prosecution is that Kashmir Singh submitted a complaint that he was working as a barber in Sanjauli [Shimla] and his daughter Bhatehri Devi @ Vasu was married to respondent Surender Pal about 1½ years back. She used to stay with the respondent-accused and her parents-in-law at village Trehal, Post Office Baijnath, District Kangra in same house. Complainant-Kashmir Singh has given a mobile phone to her daughter. It is averred that about three months ago her daughter had informed the complainant that the respondent-accused Surender Pal gave beatings to her and in view of this, he had sent her wife, Gulabo Devi, to the house of the respondent-accused. It is the case of the prosecution, that on 22.08.2012 her daughter Bhatehri Devi informed the complainant that the respondent-accused had given beatings and threatened to kill her and on this, the complainant told her daughter that he would come home after 10-15 days and will make the respondent-accused to understand the things. It is averred that on



23.08.2012, the complainant-father received a phone from Shri Chand Ram at 9.15 p.m stating that her daughter Bhatehri Devi @ Vasu was ill and he should come soon. On 24.08.2012 he reached Baijnath and came to know that his daughter Bhatehri Devi @ Vasu has already died on previous day i.e. at 6.30 p.m. It is averred that his daughter was pregnant and due to the beatings given by respondent-accused and on account of cruelty and beatings she had her life by consuming poison. Based on this, FIR No 108 of 2012 was registered at Police Station Baijnath on 24.08.2012 at 13.05 hours.

TRIAL LEADING TO ACQUITTAL:

2. Upon registration of FIR, the matter was investigated by ASI Purshottam Ram, who completed the codal formalities, took photographs and requested Sub Divisional Hospital Baijnath for postmortem. The spot map was prepared and the house was searched by Police. During investigation, statement of witnesses under Section 161 CrPC were recorded. After completion of investigation, the challan was



put up in the Court and on commencement of trial, the charge was framed by Learned Trial Court for offences under Section 306 and 498A IPC against the respondent-accused on 14.10.2013 to which he pleaded not guilty. During the trial, prosecution examined 15 witnesses and statement of accused under Section 313 Cr.P.C. was recorded, in which he pleaded himself to be innocent. Upon conclusion of the trial, Learned Trial Court acquitted the Respondent-Surender Pal, on 16.11.2013, in terms of Impugned Judgement.

CHALLENGE TO IMPUGNED JUDGEMENT:

3. Appellant-State has assailed the Impugned Judgement dated 16.11.2013, on the ground, that the Impugned Judgement was passed by Learned Trial Court, ignoring the facts as well as law; and Impugned Judgement was based on hypothetical reason and conjectures and surmises; and Learned Trial Court has not appreciated the evidence in its proper perspective and has discarding the reasons and the sound testimony of prosecution witnesses; and the Learned Trial Court had not recorded



any reasons for discarding the version of official witnesses; and Learned Trial Court had erred in not placing reliance on statements of PW-1 Kashmir Singh [father of the deceased], PW-2 Chatar Singh [paternal uncle of the deceased] and PW-3 Gulabo Devi [mother of the deceased] on the ground that no complaint was made by them to any authority; and Learned Trial Court ignored that the deceased daughter had given a phone call informing his father regarding the cruel behavior of the accused, which led to the suicide of Bhatehri Devi @ Vasu on 23.08.2012; and the deceased could not have taken any decision to end her life with unborn child, being pregnant. It is in this backdrop that the instant appeal has been filed by the State Authorities with the prayer for setting aside the Impugned Judgement.

4. Heard, Mr. Raj Negi, Learned Deputy Advocate General for the Appellant-State and Ms. Sheetal Vyas, Learned Counsel for the Respondent -Accused.



5. Before proceeding to analyse the rival contentions, it is necessary to have a recap of the statutory provisions of Section 306 read with Section 107 IPC and Section 498A of the Indian Penal Code, which read as under:

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.

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.



498A. Husband or relative of husband of a woman subjecting her to cruelty:

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation: For the purpose of this section, "cruelty" means

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

MANDATE OF LAW ON SECTION 306 AND 107 IPC:

- 6.** For invoking Section 107 IPC in relation to Section 306 IPC, the essential ingredients of



abatement and intention of the accused to aid or instigate or abet the deceased to commit suicide has to be proved. Mere using abusive language will not by itself constitute the abetment of suicide. Cogent and convincing evidence suggesting that the accused intended by such act to instigate the deceased to commit suicide is a *sine qua non* for invocation of Section 306 and 107 IPC. Proof of *mens-rea* on the part of accused in such cases needs to be examined with reference to actual acts and deeds of the accused. Acts and deeds of such a nature, where, the accused intended nothing more than harassment or snap-show of anger may fall short of offence of abetment of suicide causing irritation or annoyance to the deceased by words by the accused until deceased reacted or was provoked lead to proof of abetment of suicide. The evidence adduced should establish that cruelty and harassment meted out to the victim with no other alternative but to put an end to her life. There has to be proof of direct or indirect acts of incitement to the commission of suicide. Mere



allegation of harassment, without their being any positive action proximate to the time of occurrence on the part of the accused led to the commission of suicide is not sustainable, in terms of the principles outlined by the Hon'ble Supreme Court in the case of **Mariano Anto Bruno and another versus Inspector of Police, (2023) 15 SCC 560**, for offences under Section 306 and 107 IPC, in the following terms:

25. The ingredients of Section 306 IPC have been extensively laid out in **M. Arjunan Vs. State**, represented by its Inspector of Police 7 which are as under: -

"7. The essential ingredients of the offence under Section 306 I.P.C. are: **(i) the abetment; (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 act to instigate the deceased to commit suicide. Unless the ingredients of instigation / abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 I.P.C."



26. **In order to convict an accused under Section 306 IPC, the state of mind to commit a particular crime must be visible with regard to determining the culpability.**

With regard to the same, a two-judge bench of this Court in **Udey Singh & Ors** vs State of Haryana observed as under:-

“16. In cases of **alleged abetment of suicide, there must be a proof of direct or indirect acts of incitement to the commission of suicide.** It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behavior and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the acts of incitement to the commission of suicide. In the case of suicide, 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 in 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 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 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 perceiving 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.”

45. This Court has time and again reiterated that before convicting an accused under Section 306 IPC, the Court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. 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 their 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.

6(i). Reiterating the principles for invoking of Section 306 read with Section 107 IPC, the Hon'ble Supreme Court has crystalized the law, in **Prakash and others versus The State of Maharashtra and another, 2024 SCC OnLine SC 3835**, in following terms:

13. Section 306 of the IPC has **two basic ingredients**-first, an act of suicide by one person and second, the abetment to the said act by another person(s). In order to sustain a charge under Section 306 of the IPC, it must necessarily be proved that the accused person has contributed to the suicide by the deceased by some direct or indirect act. To prove such contribution or involvement, one of the three conditions outlined in Section 107 of the IPC has to be satisfied.

14. Section 306 read with Section 107 of 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.

15. The law on abetment has been crystallised by a plethora of decisions of this Court. **Abetment involves** a mental process of instigating or intentionally aiding another person to do a particular thing. To bring a charge under Section 306 of the IPC, the act of abetment would require the positive act of instigating or intentionally aiding another person to commit suicide. Without such mens rea on the part of the accused person being apparent from the face of the record, a charge under the aforesaid Section cannot be sustained. ***Abetment also requires an active act, direct or indirect, on the part of the accused person which left the deceased with no other option but to commit suicide.***

16. This Court in the case of **S.S. Chheena** v. Vijay Kumar Mahajan and Another, (2010) 12 SCC 190:



2010 INSC 506 had an occasion to consider the scope of Section 306 of the IPC and the ingredients which are essential for abetment, as set out in Section 107 of the IPC. It observed as follows:

“16. The word “suicide” in itself is nowhere defined in the Penal Code, however its meaning and import is well known and requires no explanation. “Sui” means “self” and “cide” means “killing”, thus implying an act of self-killing. In short, a person committing suicide must commit it by himself, irrespective of the means employed by him in achieving his object of killing himself.

18. In our country, while suicide in itself is not an offence, considering that the successful offender is beyond the reach of law, attempt to suicide is an offence under Section 309 IPC.

23. In State of W.B. v. Orilal Jaiswal [(1994) 1 SCC 73 : 1994 SCC (Cri) 107] this Court has cautioned that:

“17. ...The court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end the life by committing suicide. If it [appears] to the court that a victim committing suicide was hypersensitive to ordinary petulance,



discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.”

24. This Court in **Chitresh Kumar Chopra v. State** (Govt. of NCT of Delhi) [(2009) 16 SCC 605] had an occasion to deal with this aspect of **abetment**. The Court dealt with the dictionary meaning of the words **“instigation” and “goadng”**. The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the other. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to



instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order 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.”

26. Thus, this Court has consistently taken the view that instigation or incitement on the part of the accused person is the gravamen of the offence of abetment to suicide. However, it has been clarified on many occasions ***that in order to link the act of instigation to the act of suicide, the two occurrences must be in close proximity to each other so as to form a nexus or a chain, with the act of suicide by the deceased being a direct result of the act of instigation by the accused person.***

6(ii). While dealing with the requirement of proof under Sections 306 and 107 of the IPC,, the Hon’ble Supreme Court in **Jayedepsinh Pravinsinh**

**Chavda and others versus State of Gujarat**

(2025) 2 SCC 116 has mandated that it is imperative that the accused intended by his act to instigate the deceased to commit suicide. In case of abetment of suicide there must be concrete proof of either direct or indirect acts of incitement that led to suicide. Mere allegations of harassment are insufficient to establish the guilt. For sustaining a conviction, there must be evidence of a positive act by the accused closely linked to the time of incident that compelled/drove victim to commit suicide. Mere harassment in itself does not suffice unless it is accompanied by deliberate act of incitement or facilitation. The absence of mens-rea in instigating suicide by the deceased person negates the accusation as well as the charge against the accused. Mere harassment and differences between the wife and her husband alongwith in-laws, unless create a scenario that the deceased was left with no option other than to end her life shall not bring home the offence against the accused, in following terms:



22. Section 306 of the IPC penalizes those who abet the act of suicide by another. For a person to be charged under this section, the prosecution must establish that the accused contributed to the act of suicide by the deceased. ***This involvement must satisfy one of the three conditions outlined in Section 107 of the IPC.*** These conditions include the accused instigated or encouraged the individual to commit suicide, conspiring with others to ensure that the act was carried out, or engaging in conduct (or neglecting to act) that directly led to the person taking his/her own life.
23. For a conviction under Section 306 of the IPC, it is a well-established legal principle that the presence of clear mens rea the intention to abet the act is essential. ***Mere harassment, by itself, is not sufficient to find an accused guilty of abetting suicide.*** The prosecution must demonstrate an active or direct action by the accused that led the deceased to take his/her own life. ***The element of mens rea cannot simply be presumed or inferred; it must be evident and explicitly discernible.*** Without this, the foundational requirement for establishing abetment



under the law is not satisfied, underscoring the necessity of a deliberate and conspicuous intent to provoke or contribute to the act of suicide.

27. Thus, to bring a case under this provision, **it is imperative that the accused intended by their act to instigate the deceased to commit suicide.** Thus, in cases of death of a wife, the Court must meticulously examine the facts and circumstances of the case, as well as assess the evidence presented. It is necessary to determine whether the cruelty or harassment inflicted on the victim left them with no other option but to end their life. ***In cases of alleged abetment of suicide, there must be concrete proof of either direct or indirect acts of incitement that led to the suicide. Mere allegations of harassment are insufficient to establish guilt.*** For a conviction, there must be evidence of a positive act by the accused, closely linked to the time of the incident, that compelled or drove the victim to commit suicide.
28. It is essential to establish that the death was a result of suicide and that the accused actively abetted its commission. This can involve



instigating the victim or engaging in specific actions that facilitated the act. ***The prosecution must prove beyond doubt that the accused played a definitive role in the abetment. Without clear evidence of an active role in provoking or assisting the suicide, a conviction under Section 306 IPC cannot be sustained.***

29. The ***act of abetment must be explicitly demonstrated through actions or behaviour of the accused*** that directly contributed to the victim's decision to take their own life. ***Harassment, in itself, does not suffice unless it is accompanied by deliberate acts of incitement or facilitation.*** Furthermore, these actions must be proximate to the time of the suicide, showcasing a clear connection between the accused's behaviour and the tragic outcome. It is only through the establishment of this direct link that a conviction under Section 306 IPC can be justified. The prosecution bears the burden of proving this active involvement to hold the accused accountable for the alleged abetment of suicide. The same position has been laid down by this court in several judgments, such as:

- i. M. Mohan v. State (2011) 3 SCC



626;

- ii. Amalendu Pal alias Jhantu v. State of West Bengal (2010) 1 SCC 707;
- iii. Kamalakar v. State of Karnataka 2007 SCC OnLine Kar 824.

24. Therefore, for a conviction under Section 306 IPC, there must be clear evidence of direct or indirect acts of incitement to commit suicide. The cause of suicide, especially in the context of abetment, involves complex attributes of human behavior and reactions, requiring the Court to rely on cogent and convincing proof of the accused's role in instigating the act. ***Mere allegations of harassment are not enough unless the accused's actions were so compelling that the victim perceived no alternative but to take their own life. Such actions must also be proximate to the time of the suicide.*** The Court examines whether the accused's conduct, including provoking, urging, or tarnishing the victim's self-esteem, created an unbearable situation. If the accused's actions were intended only to harass or express anger, they might not meet the threshold for abetment or investigation. Each case demands a careful evaluation of facts, considering the accused's intent and its impact on the victim.

34. ***Mere harassment and such issues between the wife and her husband***



along with the in-laws do not appear to create a scenario where she was left with no option other than to end her life. There is, therefore, absence of mens rea to instigate suicide of the deceased persons. Therefore, prima facie, it appears that the appellants did not have the requisite mens-rea and neither did they commit any positive or direct act or omission to instigate or aid in the commission of suicide by the deceased.

MANDATE OF LAW FOR OFFENCE UNDER SECTION 498A:

7. While dealing with the pre-requisites for invoking the offence under Section 498A of the IPC, the Hon'ble Supreme Court in **Dara Lakshmi Narayana and Others vs State of Telangana and another (2025) 3 SCC 735**, has mandated that in absence of specific allegations indicating active involvement and merely on generalized and sweeping accusations unsupported by concrete evidence or particularized allegations, the offence cannot sustain, in following terms:

25. ***A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without***



specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognized fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalized and sweeping accusations unsupported by concrete evidence or particularized allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

7(i). While dealing with invocation of Section 498A, the Hon'ble Supreme Court in **Achin Gupta**



versus State of Haryana and another (2025) 3

SCC 756 has mandated that invoking the offences on some general and sweeping allegations without bringing on record any specific incidence of criminal conduct is nothing but an abuse of the process of Court and mere casual reference of the names of the family members without allegation of active involvement would not justify taking cognizance for offences under Section 498A, in the following terms:

24. ***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 abuse of the process of the court.*** The court owes a duty to subject the allegations levelled in the complaint to a 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.



27. In **Geeta Mehrotra & Anr v State** of U.P. reported in (2012) 10 SCC 741, this Court observed as under:

“20. Coming to the facts of this case, when the contents of the FIR is perused, it is apparent that there are no allegations against Kumari Geeta Mehrotra and Ramji Mehrotra except casual reference of their names who have been included in the FIR ***but mere casual reference of the names of the family members in a matrimonial dispute without allegation of active involvement in the matter would not justify taking cognizance against them overlooking the fact borne out of experience that there is a tendency to involve the family members of the household in the domestic quarrel taking place in a matrimonial dispute specially if it happens soon after the wedding.***

7(ii). While dealing with offence under Section 498A, the Hon’ble Supreme Court in **Sushila and others vs State of U.P. and others 2025 SCC OnLine SC 804**, has mandated that vague and generalized allegations, during matrimonial conflicts will lead to misuse of legal process, in the following terms:

12. Having examined the allegations in the present case



vis-à-vis the law settled by this Court in Geeta Mehrotra (supra) & Dara Lakshmi Narayana (supra), we have no hesitation in holding that the present appellants have unnecessarily been roped in the complaint without there being any specific allegation against them for any incident which had taken place between the husband and the wife during subsistence of marriage and the period when they stayed together at Kota...”.

ANALYSIS:

8. In the backdrop of the statutory provisions and the principles outlined by the Hon’ble Supreme Court, this Court proceeds to analyse the contention of Learned State Counsel hereunder.

8(i). Plea of Learned State Counsel that the testimony of PW-1 to PW-4 and other official witnesses have been discarded and not appreciated in true perspective cannot sustain, when the version of the prosecution witnesses do not support the case of the prosecution, in view of the *following analysis:*

8(i-a). PW-1, Kashmir Singh [father of deceased], deposed in his cross-examination that no dowry or money was demanded by the accused and his



family. He further deposed that no condition was kept by the accused and his family at the time of marriage to be fulfilled later on. He further deposed that even after marriage the accused and his family never made any demand of any dowry articles or money from their family or his daughter. He testified that while giving statement to the police as per Ext. PW-1/A, he did not report to the police that his daughter was administered poison by the accused and this fact is being disclosed by him for the first time. Even a perusal of the testimony of PW-1, nowhere suggests any specific instances of maltreatment or harassment, reflecting mens-rea on the part of respondent-accused in any manner. His deposition also does not indicate any specific instances pointing out towards mens-rea leading to harassment and cruelty nor any evidence exists on record that accused had continuously caused annoyance, irritation, harassment, cruelty by words and deeds which led to the deceased provoking or instigating deceased to commit suicide. Absence of direct or indirect acts of incitement to the



commission of suicide is sufficient to uphold the Impugned Judgement of acquittal passed by the Learned Trial Court.

8(i-b). PW-2, Chatar Singh, [paternal uncle of deceased], had come out with the same version as that of PW-1.

8(i-c). PW-3, Smt Gulabo Devi [mother of the deceased], has also not supported the prosecution story. Vague and general allegation that her daughter Bhatehri Devi @ Vasu was beaten and tortured by the accused whereafter she went and met them understand and thereafter they remained well for two-three months Except this narration, there is nothing on record to suggest that deceased or his family members had made any demand for dowry or money from the accused and his family. She has not deposed any incident in specific, which goes to prove that the accused had instigated the deceased by his acts or commission to commit suicide.

8(i-d). PW-4, Hari Ram an immediate neighbour, has not supported the prosecution story. In his cross-examination, he deposes that he has never



heard about any dispute of any nature between the accused and the deceased.

8(i-e). PW-8, Dr. D. D. Rana, SMO Civil Hospital, Baijnath, has deposed that death is due to shock due to consumption of poison. In cross-examination, he deposes that he had not observed any mark of violence or any injury on the body of deceased. He justifies that Phosphine gas emits very pungent and offensive odour. He has deposed that the insecticide cannot be administered forcibly and that too when the quantity of insecticide found was quite big. Testimony of prosecution witnesses i.e. PW-1, PW-2, PW-3 and PW-4 have nowhere established as to whether respondent-accused had administered poison to the deceased or not. Even absence of proof against respondent-accused negates the prosecution story.

8(i-f). PW-14, SHO Inspector Ambiya Ram, in his cross-examination has deposed that there is no mention of any demand or dowry articles or money or any other in-laws demand from the deceased



either in the complaint Ext PW-1/A or in the FIR, Ext. PW-14/A.

8(i-g). PW-15, ASI Purshottam Ram, being the Investigating Officer deposed that there is no mention or any reference in the complaint Ext. PW-1/A made by complainant Kashmir Singh and in F.I.R. Ext.PW-14/A, that the accused or his family members have ever made any demand of any dowry articles or any money from the deceased or his family. He deposed that during investigation no record was found or discovered to show that the deceased or his family ever made any complaint to the Panchayat. He further deposes that no complaint or application were submitted to him by the deceased against the accused either for grant of maintenance in any Court of law. He further deposed that no proceedings for divorce were pending in any Court between the deceased and the accused. PW-15 has deposed that investigation did not reveal that the deceased was forcefully administered poison by the accused or any other person. He further deposed no person of the locality of the accused nor any



witness who resided in the near vicinity of the accused has made any statement that the deceased was ever subjected to maltreatment or any form of mental torture.

8(ii). In addition to the above, Learned Trial Court had duly appreciated the evidence in true perspective in Paras 9 to 13 of the Impugned Judgement.

9. Plea of the Learned State Counsel that Learned Trial Court had erred, by ignoring the statements of PW-1 Kashmir Singh, PW-2 Chatar Singh, PW-3 Gulabo Devi, is misconceived, for the reason, that even the prosecution witnesses have not supported the prosecution story. Mere vague allegations cannot form the basis for overturning the Impugned judgement. Even, mens-rea pointing towards abetment or instigation are absent in the instant case.

9(i). Plea of Learned State Counsel that the deceased daughter had informed her father PW-1 Kashmir Singh regarding cruelty of the respondent-accused towards his daughter Bhatehri Devi @



Vasu leading to suicide 23.08.2012, cannot come to the aid of the prosecution, for the reason, that PW-1 Kashmir Singh had neither pointed out any specific instance(s) either in the complaint submitted to the police or in the FIR and even in deposition before the Trial Court establishing invocation of ingredients under Section 498A and ingredients of Section 107 and 306 IPC.

9(ii). Plea of Learned State Counsel that the deceased being pregnant had taken a decision to end her life by consuming poison with unborn child reveals cruelty on the part of respondent-accused, is not tenable, when the prosecution has failed to establish the link as to why and under what circumstances the deceased had consumed poison. Even PW-15, has deposed that during investigation he did not find anything to establish that the deceased had consumed poison due to an overt act or due to the abetment by the accused or his family.

10. Per contra, Mrs. Sheetal Vyas, Learned Counsel for the Respondent-accused has supported the Impugned Judgement, of acquittal.



11. Based on above analysis, the Impugned Judgement of acquittal, passed by Learned Trial Court, after due appreciation of evidence, in the backdrop of the legal principles, does not warrant any interference, in instant appeal. Learned State Counsel has not pointed out any cogent, convincing and reliable evidence to overturn the findings of acquittal recorded by Learned Trial Court. Accordingly, the Impugned Judgement does not suffer from any infirmity or illegality.

12. No other point was argued/raised.

DIRECTIONS:

13. In view of the above discussion and for reasons recorded hereinabove, the instant appeal is ***dismissed***, in following terms:-

- (i) Instant appeal, ***Criminal Appeal*** No 147 of 2014, State of Himachal Pradesh versus Surender Pal, ***is dismissed***;
- (ii) The Impugned Judgment dated 16.11.2013 passed by Learned Additional Sessions Judge-III Kangra at Dharamshala, Camp at Baijnath, in Sessions Case No 8-B/VII/13, ***is upheld*** ;



(iii) Acquittal of Respondent-accused
is reaffirmed;

In aforesaid terms, the instant appeal and all pending miscellaneous application(s), if any, shall accordingly stand disposed of.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

May 30, 2026.
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