



2026:UHC:2314

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>C528 No.849 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. M.S. Pal, Senior Advocate, assisted by Mr. Shivam Singh Pargai, Advocates for the applicant.</p> <p>Mr. S.C. Dumka, A.G.A. for the State of Uttarakhand.</p> <p>Mr. D.S. Mehta, Advocate for respondent no.4.</p> <p>2. This criminal miscellaneous application has been preferred by the applicant seeking quashing of chargesheet dated 30.08.2024 and summoning order dated 24.01.2025. An oral prayer has also been made by learned Senior Advocate for the applicant to quash the entire proceedings of Criminal Case No.674 of 2025 pending in the Court of learned IIIrd Judicial Magistrate, Dehradun.</p> <p>3. Respondent no.2 lodged an F.I.R. alleging that between 11:00 p.m. on 08.08.2023 and 03:00 a.m. on 09.08.2023, his son, who was serving as a Review Officer, was found dead under suspicious circumstances. The Post Mortem Report indicates that the deceased died by suicide through hanging. The complainant has alleged that the conduct of the applicant towards her husband (the deceased) and the complainant's family was not cordial and apprehends that the applicant may have either abetted the deceased in committing suicide or, in collusion with others, caused his death. After investigation, charge sheet was filed against the applicant. Learned Magistrate took cognizance in the matter and summoned the applicant to face the trial vide order dated 24.01.2025. Hence, this criminal misc. application.</p> <p>4. Learned Senior Counsel for the applicant submits that the applicant has been falsely implicated in the present case and has been made a scapegoat. It is contended that there exists neither any ill-will nor any motive attributable to the applicant and, therefore, no</p>



			<p>prima facie case is made out against her. The allegations levelled in the F.I.R. are stated to be false, fabricated, and an afterthought. He submits that a perusal of the F.I.R. would demonstrate that the same has been lodged merely on the basis of suspicion. It is further submitted that the marriage between the applicant and the deceased was a love marriage, and, out of the said wedlock, a girl child was born. Since the inception of the marriage, the in-laws of the applicant were allegedly dissatisfied with the said alliance and had subjected the applicant to harassment. It is argued that following the unfortunate death of their son, the applicant has been falsely implicated due to such pre-existing discord.</p> <p>5. Learned Senior Counsel further submits that there is an inordinate and unexplained delay of 28 days in lodging the F.I.R., which casts serious doubt on the veracity of the prosecution story. It is also contended that the deceased was under immense work-related stress and had informed the applicant that certain officers/officials in the Secretariat were pressurizing him to perform unlawful acts, to which he was not agreeable. It is urged that such continuous pressure and stress led the deceased to commit suicide.</p> <p>6. It is further submitted that, after the death of the deceased, certain officials of the Secretariat exerted pressure upon the applicant to portray the death as natural. The applicant and the deceased were sharing household responsibilities jointly, and their marital relations were cordial, with no disputes whatsoever. Hence, there was no occasion or reason for the applicant to abet the commission of suicide.</p> <p>7. Learned Senior Counsel submits that the Hon'ble Supreme Court, in a catena of judgments, has consistently held that for an offence under Section 306 of the Indian Penal Code to be made out, there must be a clear mens rea to commit the offence, coupled with a direct or active act on the part of the accused, which leaves the deceased with no option but to commit suicide. Such act must be proximate to the time of occurrence and intended to drive the</p>
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			<p>deceased to take the extreme step. Reliance is placed upon the judgment of the Hon'ble Supreme Court in Rajesh Vs. State of Haryana (Criminal Appeal No. 93 of 2019 arising out of SLP (Cri.) No. 8867 of 2016), wherein it has been held that conviction under Section 306 I.P.C. cannot be sustained merely on allegations of harassment in the absence of any positive act proximate to the time of occurrence, which compelled the deceased to commit suicide. In light of the aforesaid submissions, it is argued that even if the entire prosecution case is taken at its face value, no offence under Section 306 I.P.C. is made out against the applicant.</p> <p>8. Per contra, learned State Counsel as well as learned counsel for respondent no. 4 submit that, in light of the categorical averments contained in the suicide note, a prima facie offence under Section 306 I.P.C. is clearly made out against the applicant. It is thus contended that the charge-sheet, summoning order, and the entire proceedings of the aforesaid criminal case have been rightly initiated and do not warrant any interference or quashing by this Court.</p> <p>9. To this, learned Senior Advocate submits that even assuming the deceased was aggrieved by any alleged act of the applicant, the appropriate course would have been to lodge a complaint before the police. It is further contended that the totality of the circumstances, as emerging from the record, does not disclose any element of abetment or instigation attributable to the applicant so as to attract the offence under Section 306 I.P.C.</p> <p>10. Having considered the rival submissions and perused the material on record, this Court finds that the entire edifice of the prosecution case rests on suspicion and conjectures without there being any cogent material to prima facie establish the essential ingredients of the offence alleged against the applicant. The F.I.R. itself discloses that the allegations are based on apprehension of the complainant that the applicant might have abetted the suicide of the deceased or might have been involved in causing his death, but such suspicion, however strong, cannot take the place of legal proof</p>
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			<p>even at the stage of cognizance. From the record, it is evident that the Post Mortem Report categorically records the cause of death as suicide by hanging. There is no material collected during investigation indicating any external injury or circumstance suggesting homicidal death.</p> <p>11. Insofar as the allegation of abetment under Section 306 I.P.C. is concerned, the law is well settled that there must be a clear mens rea and a direct or active act attributable to the accused, which is proximate to the time of occurrence and leaves the deceased with no option but to commit suicide. In the present case, even if the entire prosecution story is accepted as it is, there is no allegation of any such instigation, provocation or active participation on the part of the applicant which could be said to have driven the deceased to take the extreme step. The materials placed on record rather indicate that the deceased was under considerable mental stress on account of his official duties and alleged pressure from certain officials. There is no specific incident, much less any proximate act, attributed to the applicant which could constitute abetment. General and omnibus allegations regarding strained relations, that too without any supporting material, are wholly insufficient to attract the ingredients of Section 306 I.P.C.</p> <p>12. Upon a careful perusal of the suicide note of the deceased and considering the totality of the facts and circumstances of the present case, it is evident that the essential ingredients required to constitute an offence under Section 306 I.P.C. are conspicuously absent. There is no specific or direct allegation indicating any act of abetment or instigation on the part of the applicant. This Court also cannot lose sight of the fact that there is an unexplained delay of 28 days in lodging the F.I.R. The prosecution has failed to furnish any plausible explanation for such delay, which assumes significance in the facts of the present case, particularly when the allegations are not based on direct knowledge but on suspicion. Such delay creates a serious dent in the prosecution version and raises doubt about the possibility of embellishment and afterthought. Further, the admitted position</p>
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that the marriage between the applicant and the deceased was a love marriage and that they were living together with their child, coupled with the absence of any contemporaneous complaint or material indicating cruelty or harassment by the applicant, probabilises the defence version that the applicant has been implicated due to strained relations with the in-laws after the unfortunate incident. The continuation of criminal proceedings in such circumstances, where the basic ingredients of the alleged offence are not made out and the prosecution case lacks foundational facts, would amount to abuse of the process of the Court.

13. Hon'ble Supreme Court in the case of Patel Babubhai Manohardas & others Vs. State of Gujarat, reported in 2025 SCC Online SC 503, in paragraph no.45 has held as under:

"45. Finally, even if we take the suicide note as correct and genuine, we do not find any act of incitement on the part of the appellants proximate to the date on which the deceased committed suicide. No act is attributed to the appellants proximate to the time of suicide which was of such a nature that the deceased was left with no alternative but to commit suicide. In such circumstances, it cannot be said that any offence of abetment to commit suicide is made out against the appellants."

14. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that no offence is made out against the applicant even if the entire material on record is taken at its face value. Accordingly, the criminal miscellaneous application deserves to be allowed.

15. The criminal misc. application is allowed and the entire proceedings of Criminal Case No.674 of 2025, pending in the Court of learned IIIrd Judicial Magistrate, Dehradun, are hereby quashed.

(Alok Mahra, J.)

01.04.2026