



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

WRIT PETITION NO. 7468 OF 2020 (GM-RES)

BETWEEN:

- 1 . SHRI THIRUNAVUKKARASAN J
S/O JAYARAMAN
AGED ABOUT 61 YEARS
THE PRINCIPAL,
515, ARMY BASE WORK SHOP
HIGH SCHOOL, HALASURU,
BANGALORE 560 008.
- 2 . SRI NAGENDRA KUMAR
S/O ANJANEYALU B
AGED ABOUT 45 YEARS
THE PRINCIPAL,
515, ARMY BASE WORK SHOP
HIGH SCHOOL, HALASURU,
BANGALORE 560 008.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

...PETITIONERS

[BY SRI MS SHYAMSUNDAR, SR. COUNSEL FOR
SRI PRASANNA KUMAR S., ADVOCATE]

AND:

1. THE STATE OF KARNATAKA
BY HALASURU POLICE STATION
BANGALORE CITY.
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA
BANGALORE 560 002.



2. SRI M.S.MOHAN
S/O MUNISWAMY,
AGED ABOUT 64 YEARS,
NO.7, ANANTH NAIR ROAD,
MURPHY TOWN, ULSOOR,
BENGALURU - 560 008.

...RESPONDENTS

[BY SMT. SOWMYA R., HCGP FOR R1;
R2 - SERVED & UNREPRESENTED]

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS PASSED BY THE L ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BANGALORE IN SPL CC NO.780/2018 VIDE ANNEXURE-F TO THE PETITIONER FOR THE OFFENCES PUNISHABLE UNDER SECTION 306 R/W SEC.34 OF IPC, IN SO FAR AS THE PETITIONERS ARE CONCERNED.

THIS PETITION IS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 02.06.2026, THIS DAY, THE COURT, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



CAV ORDER

Challenging order dated 26.12.2019 passed by L Addl. City Civil & Sessions Judge, Bangalore, in SPL CC no.780/2018 vide Annexure-F, this petition is filed.

2. Sri MS Shyamasundar, learned Senior Counsel appearing for Sri Prasanna Kumar S., learned counsel for petitioners (accused no.1 and 2) submitted that around noon on 27.04.2016, one R. Tarun, a student aged 14 years studying in IX Standard in 515 Army Base Workshop School, Bengaluru (**School**), committed suicide at home. On same day, MS Mohan his grandfather lodged complaint before Halasuru Police Station, Bengaluru alleging that accused no.1 – Principal of school and accused no.2 – Class teacher had developed hostility towards Tarun and harassing him referring to his academic performance. During academic year 2014-15, though accused no.1 had initially declared Tarun – failed, but promoted him to IX Standard and during subsequent academic year, accused continued harassment, beat him with stick and repeatedly told him that he would not be promoted to next Standard. Later accused no.1 declared his result as failed and



when complainant went to enquire they informed complainant that Tarun would not be continued in School and would be issued Transfer Certificate. This conduct caused severe mental distress on Tarun and led him to suicide. Alleging accused no.1 and 2 to be solely responsible, complainant sought action against them.

3. Complaint was registered as Crime no.135/2016 for offence punishable under Section 306 of Indian Penal Code, 1860 (**IPC**). After investigation, police filed charge sheet against accused no.1 and 2 for offence punishable under Section 306 read with Section 34 of IPC in Spl.CC no.780/2018.

4. In said proceedings, accused filed application under Section 227 of Code of Criminal Procedure, 1973 (**CrPC**) for discharge contending that they were falsely implicated, that material on record does not disclose ingredients of offence alleged and charge sheet itself disclosed that Tarun was academically weak, secured below-average marks and undergoing treatment for depression due to pressure from family members. It was stated, deceased was frequently reprimanded by his family, resulting in mental stress lack of



concentration and social isolation. And that accused as Principal and Class Teacher respectively had acted in welfare of student by arranging counseling and treatment sessions to address his behavioral and psychological issues. It was stated, his mother admitted her inability to handle him and acknowledged behavioral problems. It was stated, there was no material implicating accused of any act of instigation, intentional aid or abetment for suicide.

5. It was submitted, accused no.1 was a retired Principal of advanced age and accused no.2 - teacher and sole breadwinner of his family having respect and reputation among students. In absence of material raising strong suspicion of their involvement, continuation of proceedings would be abuse of process and prayed for discharge.

6. It was submitted, application was opposed on ground that after registration of FIR, Investigating Officer **(IO)** conducted investigation, recorded statements of witnesses, collected material which substantiated offence and same indicated involvement of accused in abetting suicide of Tarun



filed Charge Sheet. It was contended, discharge would cause serious injustice to victim's family.

7. On consideration, trial Court dismissed application, leading to this petition.

8. It was submitted, Hon'ble Supreme Court in **Kumar alias Shiva Kumar v. State of Karnataka** reported in **(2024) 19 SCC 308**, observed human behaviour and decisions leading to suicide may arise from a multitude of circumstances including academic failure, emotional distress, depression, financial difficulties and other personal factors. But criminal liability for abetment of suicide can arise only when there exists a direct, proximate and intentional act of instigation. Further, this Court in **VV Singara Velu v. State of Karnataka** reported in **AIR Online (2023) KAR 1470**, held to sustain charge under Section 306 of IPC, there must be a positive act of direct incitement or instigation that drives a person to take own life and mere naming an individual in a suicide note was insufficient. Relying on same, it was submitted, allegations in complaint/charge sheet did not mention any direct or indirect act of accused which could have instigated suicide. That



allegation of harassment were baseless as Tarun was academically weak and counselled and treated to improve his performance. That his mother admitted difficulty in managing his behavioral problems. Under such circumstances, mere tragic death cannot be stated to be caused by actions taken in good faith and in best interests of students.

9. It was submitted, in **Thangavel v. The State (SLP (Crl.) no.9099/2024 DD 22.05.2025)**, Hon'ble Supreme Court set aside charges of abetment of suicide framed against correspondent of School observing that mere scolding students for involving in altercations do not establish *mens rea* necessary for abetment of suicide.

10. It was submitted, Hon'ble Supreme Court in **Ayyub & Ors. v. State of U.P. & Anr.** reported in **(2025) 3 SCC 334**, held mere verbal exchanges, insults or statements uttered in anger would not constitute instigation unless accompanied by deliberate course of conduct intended to drive victim to commit suicide. It was held, *mens rea* and ingredients of abetment as defined under Section 107 of IPC must be established to sustain prosecution under Section 306 of IPC.



11. And in **M. Arjunan v. State** reported in **(2019) 3 SCC 315**, requirement of prosecution to establish direct link between accused's actions and suicide was highlighted. It was held, evidence was necessary to show accused intended to incite suicide. It was submitted, in **Mahendra Awase v. State of Madhya Pradesh** reported in **(2025) 4 SCC 801**, it was held, every hyperboles employed in exchanges cannot be considered instigation to commit suicide and cautioned against registration of complaints for offence of abetment of suicide only to assuage sentiments of distraught family under *play it safe syndrome*.

12. Even statements of Narayanaswamy and Muniraju about accused telling Tarun to 'go and die' were farfetched and would not sustain charge. This Court in **Crl.P.no.4851/2022** disposed of on 22.04.2022 (**David D'Souza v. The State of Karnataka**) quashed proceedings initiated for offence punishable under Section 306 of IPC observing that even angry statement made during a heated exchange, including telling a person 'go and die' would not by itself be instigation or abetment without requisite *mens rea* and proximate conduct.



13. It was submitted in **Patel Babubai Manohardas & Ors. v. State of Gujarat** reported in **2025 SCC OnLine SC 503**, Hon'ble Supreme Court held mere harassment, blackmail or pressure would not be abetment to suicide without proximate positive act of direct instigation, which intentionally leaves deceased with no option except to end his life.

14. It was submitted, complaint was lodged with ulterior motive to falsely implicate petitioners and filing of Charge Sheet was mechanical without admissible material connecting accused to offence. It was submitted, none of statements recorded during investigation attributed any overt act, instigation or intentional aid on their part so as to attract offence under Section 306 of IPC. On above grounds, submitted impugned order rejecting petitioners' application under Section 227 of CrPC was erroneous, illegal and liable to be reversed.

15. On other hand Smt.Soumya R., learned HCGP opposed writ petition. It was submitted, there was no dispute about tragic death of Tarun was by suicide. Proceedings were initiated based on complaint by Tarun's grandfather. In



complaint, there were specific allegations against accused harassing Tarun by referring to his poor academic record and about ill-will against him. Said allegations were with reference to specific incidents wherein accused told Tarun that he would not be allowed to progress from IX standard and his Transfer Certificate would be issued. And statement of complainant was corroborated by Narayanaswamy and Muniraju, wherein they state about accused telling Tarun that he should die. It was submitted, normally teachers play important role in student's life and words of teachers have significant impact on them. Thus, as there was sufficient material against accused and grounds urged required evidence, sought dismissal of petition.

16. Respondent no.2 – de facto complainant is served and unrepresented.

17. Heard learned counsel and perused material on record.

18. This writ petition is by accused no.1 and 2 challenging rejecting their application for discharge by trial Court. At outset, Hon'ble Supreme Court in case of **Central**



Bureau of Investigation v. Aryan Singh, reported in **(2023) 18 SCC 399**, spelt out powers of High Court under Section 482 of CrPC challenging order on application for discharge as follows:

*"7. Therefore, the High Court has materially erred in going in detail in the allegations and the material collected during the course of the investigation against the accused, at this stage. At the stage of discharge and/or while exercising the powers under Section 482 CrPC, the Court has a very limited jurisdiction and is required to consider '**whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not**'. "*

19. Sum and substance of challenge is that complaint averments though contain allegations of ill-treatment, ill-will and even suggestion by accused to victim to end life, law mandated higher threshold to sustain prosecution for charge of abetment of suicide, that such alleged acts on part of accused should be with intention to leave no option to victim than to commit suicide.

20. Various decisions are cited. In **Thangavel's** case (supra) Hon'ble Supreme Court has stressed on requirement of *mens rea* for abetment of suicide. In **Ayyub's** case (supra)



Hon'ble Supreme Court and this Court in **David D'Souza's** case (supra) it is held utterance of phrases like "go and die" do not equate to legal instigation. In **VV Singara Velu's** case (supra), this Court held without proximate, intentional acts of abetment, even naming an individual in suicide note was insufficient to sustain charge of abetment of suicide. Hon'ble Supreme Court in **Kumar @ Shiva Kumar's** case (supra) held that criminal liability for abetment requires strict proof of direct proximate link and active act of instigation or goading as against general harassment or words spoken in anger without explicit intent would not satisfy statutory threshold. In **M. Arjunan's** case (supra), Hon'ble Supreme Court held use of harsh or abusive words would not substantiate abetment to suicide. In case of **Patel Babubai Manohardas** (supra) it is held harassment, extortion or blackmail do not constitute abetment to suicide.

21. To apply above ratio, careful examination of complaint and charge sheet material would be necessary. They indicate prosecution case is based on:

- i. Statement of complainant that accused were Principal and Class Teacher of Tarun, that they were hostile towards Tarun on account of he being weak in academics and prior to promoting him to



IX Standard in year 2014-15, informed Tarun that he had failed and they would issue Transfer Certificate, but later promoting him and in IX Standard, accused beat him with stick which broke and about suggesting Tarun to end his life.

- ii. Statements of Narayanaswamy and Muniraju to effect that Tarun had confided with them about accused referring to his weak academics and ill treatment by beating with stick and telling him that instead of continuing like that he should end his life.

22. As held to sustain charge of abetment of suicide, any direct act of accused or proximal cause leading victim to commit suicide would be imperative. In light of same, events of previous academic year would thus lose significance. Most prominent incident relied on by prosecution is, suggestion by accused to victim that he should end his life, is not proximate in time and to have led victim to commit suicide. Though, complainant alleges incident of suicide was on date of declaration of results, in fact date of declaration of results is not even mentioned in Charge Sheet. Besides, Tarun committed suicide at home.

23. However, factor that clinches issue in favour of accused is that neither complaint nor charge sheet alleges that any of acts of accused were with intention to cause Tarun to



commit suicide or were of such intensity that it left no other option to victim to commit suicide. Taking note of time frame during which incidents alleged took place and absence of any direct and proximal act of accused leading victim to commit suicide, continuation of proceedings for offence alleged would be abuse of process.

24. Hence, Petition is ***allowed***, order dated 26.12.2019 passed by L Addl. City Civil & Sessions Judge, Bangalore in SPL CC no.780/2018 at Annexure-F is set-aside, application filed under Section 229 of Cr.PC is *allowed*, accused-petitioners are discharged.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL,AV,GRD
List No.: 1 Sl No.: 64