

**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

Cr. Revision No.628 of 2022

Reserved on 16.09.2026

Decided on 25.09.2026

Uploaded on : 25.09.2026

State of H.P.

....Petitioner

Versus

Navdeep @ Nabu & Ors.

.....Respondents

Coram:

The Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting?¹

For the Petitioner : Mr. Lokender Kutlehria,
Additional Advocate General.

For the Respondents : Mr. N.K. Thakur, Senior
Advocate, with Mr. Divya Raj
Singh, Advocate.

Chirag Bhanu Singh, Judge

This revision has been preferred by the State of Himachal Pradesh, aggrieved by the order dated 20.07.2022, passed by the learned Special Judge, Chamba, District Chamba, H.P., (hereinafter referred to as the learned trial Court), discharging the respondents/accuseds in a case registered under Section 306 of IPC, read with Section 3(2)(va) of the Scheduled Castes and Scheduled

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

Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the SC&ST Act).

2. The genesis giving rise to the present revision may be succinctly summarized thus. The mother of deceased Smt. Guddi Devi, had got an FIR registered that her daughter had disclosed to her that around 5-6 months ago, she had met the respondent-accused-Navdeep Kumar. They had been in a relationship for the last 5-6 years. He intended to marry her. However, his parents (respondents No.2 and 3) were reluctant because the deceased belonged to the scheduled caste. On 05.04.2019, her daughter had disclosed that the parents of the accused-Navdeep Kumar had arranged his marriage somewhere else. On 06.04.2019, her daughter had committed suicide by hanging from a ceiling fan. Her daughter had committed suicide, as the accuseds/respondents had refused to marry her because she belonged to the scheduled caste.

3. Based on the aforesaid information, FIR No.36 of 2019, came to be registered under Section 306 of IPC, read with Section 3(2)(va) of SC&ST Act, against the respondents.

4. After the filing of the charge sheet, the respondents/accuseds had moved an application under Section 227 of the Code of Criminal Procedure seeking their discharge.

5. The learned trial Court, after due deliberations held that the material collected during the investigation did not show any direct involvement of any of the accused in abetting the suicide. The refusal to marry the deceased *per-se* did not amount to any abetment. The statements of the witnesses recorded during the course of investigation even if taken together at their face value and accepted in its entirety did not make out any offence of abetment of suicide. As a sequel, the application was allowed and all the accused were discharged.

6. Feeling aggrieved and dissatisfied, the State is in revision before this Court.

7. I have heard the learned counsel appearing for the parties and gone through the record.

8. Learned Additional Advocate General has vehemently urged that the impugned order was not sustainable in the eyes of law. There was sufficient material

placed on record to prove that there was a proximate connection between the offence alleged and the acts of the accuseds. It was not a stage for the learned trial Court to have deciphered or evaluated the evidence so meticulously. The caste remarks had also been passed by the accused and as such, discharge at the initial stage was not justified.

9. Per contra, Mr. N.K. Thakur, learned Senior Advocate, assisted by Mr. Divya Raj Singh, Advocate, for the respondents would contend that while framing the charges, the Court has the power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima-facie case is made out against the accused. There was no material worth the name to show that the respondents/accuseds had instigated or abetted the suicide.

10. No doubt, a young life has been lost at the altar of caste, but the reappraisal of the material placed on record does show that apparently, there was no goading, solicitation or insinuation by any of the respondents to the victim to commit suicide. At least, no such material is there on the record. The action of the respondents having settled

the marriage of the respondent No.1, Navdeep Kumar may have been a trigger for the deceased to take the unfortunate step, but there is nothing on record collected by the prosecution to show that any of the accused had instigated or abetted the suicide. Nothing has been collected by the prosecution to show that proximate to the said time, any of the accused had in any way instigated provoked, incited or encouraged the deceased to take the unfortunate step.

11. The learned trial Court also while appreciating the factual matrix has relied upon the judgment of the Hon'ble Supreme Court, in case titled as **State of West Bengal versus Indrajit Kundu and others, AIR 2019, Supreme Court 5164**, to hold that the refusal to perform the marriage with the deceased itself did not amount to any abetment. It is otherwise, by now trite that even while considering the question of framing the charges, the Court has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima-facie case is made out against the accused, in case titled as **Union of India versus Prafulla Kumar Samal. (AIR) 1979 Supreme Court 366**).

12. Having reconsidered the entire conspectus of facts and law discussed herein above, at least, no offence under Section 306 of IPC, could be made out on the basis of the material collected by the prosecution. The perusal of the record conclusively shows that no caste based remarks had ever been made by any of the respondents and it was for the very same reasons that no charges under Section 3(1)(r) or 3(1)(s) of the SC&ST Act, had been incorporated.

13. Why and under what circumstances, the prosecution had invoked Sections 3(2)(va) of SC&ST Act, is difficult to decipher, because Section 306 of IPC, is not a scheduled offence, as per the SC & ST Act. The schedule appended along with the Act, does not show that the Section 306 of IPC, is a scheduled offence. Sections 3(2)(va) could not thus have been incorporated as Section 306 of IPC, was not a scheduled offence under the Act. There being no material to prima-facie established that an offence under Section 306 of IPC, was made out, the provisions of Section 3(2)(va), otherwise would not have been attracted.

14. This Court thus, sees no reasons to differ with the findings recorded by the learned trial Court.

15. For all the aforesaid reasons, this Court does not find any merit in this revision, so as to interfere with the well reasoned order dated 20.07.2022, passed by the learned trial Court. Accordingly, the present revision is dismissed.

16. The petition is disposed of, so also the pending application(s), if any.

(Chirag Bhanu Singh)
Judge

25th September, 2026
(subhash sharma)