HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 162 of 2021

02 July, 2026

Shardul Negi

--Revisionist

Versus

State Of Uttarakhand and Another

--Respondents

Presence:-
Ms. Manisha Bhandari and Mr. B. S. Kathayat, Advocates for the Applicant.
Mr. Deepak Bisht, learned Deputy Advocate General for the State of Uttarakhand.
Mr. Gaurav Nagpal, learned counsel, holding brief of Mr. Ramji Shrivastava for respondent no. 2.

The present Criminal Revision has been preferred challenging the order dated 14.01.2021, passed by learned Additional District and Sessions Judge, Tehri Garhwal in Sessions Trial No. 23 of 2020, "*State vs. Shardul Negi"*, whereby charge under Section 306 of the Indian Penal Code, 1860 has been framed against the revisionist.

2. The prosecution case, in brief, is that the deceased and the revisionist were in a relationship and intended to marry each other. However, after remaining in the relationship for some time, the revisionist allegedly refused to marry the deceased. It is alleged that, on account of the said refusal, the deceased became depressed and ultimately committed suicide by administering an overdose of Midazolam (Mezolam).

3. The First Information Report was lodged by the father of the deceased alleging that the revisionist was running a hotel where accommodation had been arranged for hospital staff, including the deceased, who was working as a Staff Nurse. During the course of their acquaintance, the deceased and the revisionist entered into a love relationship. It is alleged that the revisionist later refused to marry the

deceased, which allegedly led her to commit suicide.

4. During investigation, statements of the father, mother, brother of the deceased and some other were recorded under Section 161 Cr.P.C., wherein they substantially reiterated the allegations made in the FIR. The post-mortem examination was conducted and the *viscera* was preserved. Upon completion of the investigation, a charge-sheet under Section 306 IPC was submitted against the revisionist.

5. The learned trial Court, after hearing the parties, framed charge under Section 306 IPC against the revisionist by the impugned order dated 14.01.2021. Aggrieved thereby, the present revision has been filed.

6. Learned counsel for the revisionist submitted that even if the entire prosecution case is accepted at its face value, the essential ingredients of the offence punishable under Section 306 IPC are not made out. It is contended that the only allegation against the revisionist is that he declined to marry the deceased, and such refusal, by itself, cannot constitute abetment of suicide within the meaning of Sections 306 IPC. It is further submitted that there is no allegation or material suggesting any act of instigation, intentional aid or active participation on the part of the revisionist, which could have compelled the deceased to take the extreme step.

7. In support of the aforesaid submissions, reliance has been placed upon the judgments of the Hon'ble Supreme Court in "***Pooja Pal vs. Union of India and Others"***, **(2016) 3 SCC 135**, "***Mahendra Awase vs. State of Madhya Pradesh"***, (**2025) SCC OnLine SC 107**, ***"Yadwinder Singh @ Sunny vs. State of Punjab and Another"***, (**2025) SCC OnLine SC 2332**, ***"Amalendu Pal alias Jhantu vs. State of West Bengal"* (2010) 1 SCC 707*, "Gurcharan Singh vs. State of Punjab",* (2017) 1 SCC 433** and the judgment of this Court in ***"Jagmohan Singh vs. State of Uttarakhand and Another"***, in **Criminal Writ Petition No. 898 of 2009 decided on 18.11.2009**.

8. Per contra, learned counsel for the complainant submitted that

at the stage of framing of charge, the Court is only required to examine whether a *prima facie* case exists against the accused. It is argued that a meticulous appreciation of evidence is not warranted at this stage. It is further submitted that, after framing of charge, the trial has substantially progressed and most of the prosecution witnesses have already been examined. Therefore, interference with the order framing charge at this advanced stage is not warranted. Reliance has been placed upon the decisions of the Hon'ble Supreme Court in "***Dinesh Tiwari vs. State of Uttar Pradesh and Another***", **(2014) 13 SCC 137**, ***"Manendra Prasad Tiwari vs. Amit Kumar Tiwari and Another"***, **(2022) SCC OnLine SC 1057**, and ***"Vishnu Kumar Shukla and Another vs. State of Uttar Pradesh and Another"***, **(2023) SCC OnLine SC 1582**.

9. Heard learned counsel for the parties and perused the record.

10. This Court has considered the rival submissions and carefully perused the material available on record.

11. Section 306 of the Indian Penal Code, 1860 deals with abetment of suicide. It provides punishment for a person who intentionally instigates, aids, or conspires in the commission of suicide by another person. Section 306 I.P.C. reads 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."

12. "Abetment" is defined under Section 107 of I.P.C., which reads as under :-

> "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."

13. Hon'ble Supreme Court in the case of ***Amalendu Pal @ Jhantu vs. State of West Bengal***, reported in **(2010) 1 SCC 707**, has held as

under:-

> **"**12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence 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 the 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.
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> 13. In order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC."

14. Similarly, in the case of ***Prakash and Others vs. State of Maharastra and Another***, reported in **2024 SCC OnLine SC 3835**, Hon'ble Supreme Court has held as under:

> "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.
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> 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."

15. It is well settled that to attract the offence punishable under Section 306 IPC, there must be prima facie material indicating that the accused had abetted the commission of suicide within the meaning of Section 107 IPC. Mere harassment, emotional distress or refusal to marry, in the absence of any positive act of instigation, intentional aid or active participation, would not satisfy the statutory requirements of abetment.

16. Applying the above principle to the facts of the present case, this Court is convinced that there are no grounds to frame charge under section 306 IPC against the revisionist. This is so even if this Court takes the prosecution's case on a demurrer and at its highest.

17. Hon'ble Apex Court has, over the last several decades, repeatedly reiterated the higher threshold, mandated by law for Section 306 IPC [Now Section 108 read with Section 45 of the Bharatiya Nyaya Sanhita, 2023] to be attracted. They however seem to have followed more in the breach. Section 306 IPC appears to be casually and too readily resorted to by the police. While the persons involved in genuine cases where the threshold is met should not be spared, the provision should not be deployed against individuals, only to assuage the immediate feelings of the distraught family of the deceased. The conduct of the proposed accused and the deceased, their interactions and conversations preceding the unfortunate death of the deceased should be approached from a practical point of view and not divorced from day-to-day realities of life. Hyperboles employed in exchanges should not, without anything more, be glorified as an instigation to commit suicide. It is time the investigating agencies are sensitised to the law laid down by this Court under Section 306 so that persons are not subjected to the abuse of process of a totally untenable prosecution. The trial courts also should exercise great caution and circumspection and should not adopt a play it safe syndrome by

mechanically framing charges, even if the investigating agencies in a given case have shown utter disregard for the ingredients of Section 306.

18. In the present case, even if the entire prosecution case is accepted as true, the material collected during investigation only indicates that the revisionist allegedly refused to marry the deceased. Except for the said allegation, there is no material to show that the revisionist had intentionally provoked, instigated or aided the deceased in committing suicide. The statements recorded during investigation also do not disclose any overt act or conduct on the part of the revisionist, which could reasonably be construed as constituting abetment within the meaning of law.

19. For the above reasons, this Court holds that the case against the revisionist is groundless for framing of a charge under section 306 IPC. Hence, this Court discharge the revisionist from proceedings in Sessions Trial no. 23 of 2020 pending before the Additional District and Sessions Judge, Tehri Garhwal and quash and set aside the said proceedings. The Criminal Revision is allowed and the impugned order dated 14.01.2021 is hereby set aside.

(Alok Mahra, J.)
02.07.2026

Shiksha

SHIKSHA BINJOLA

Digitally signed by SHIKSHA BINJOLA
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