

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 172/2012**

Date of Reserve: 23.09.2015

Date of decision: 29.09.2015

NARESH KUMAR Petitioner
Through: Mr.Mohit Mathur, Sr. Adv.
with Mr.Ramit Malhotra,
Mr.Devendra Dedha &
Mr.Praman Mathur, Advs.

versus

STATE OF DELHI Respondent
Through: Mr. Raghuvinder Verma, APP
for the State.
SI Satish Kumar PS Ambedkar
Nagar

+ **CRL.REV.P. 173/2012**

HARISH & ANR Petitioners
Through: Mr.Mohit Mathur, Sr. Adv.
with Mr.Ramit Malhotra,
Mr.Devendra Dedha &
Mr.Praman Mathur, Advs.

versus

STATE OF DELHI Respondent
Through: Mr. Raghuvinder Verma, APP
for the State.
SI Satish Kumar PS Ambedkar
Nagar

+ **CRL.REV.P. 174/2012**

DEEP CHAND & ANR Petitioners
Through: Mr.Mohit Mathur, Sr. Adv.
with Mr.Ramit Malhotra,

Mr.Devendra Dedha &
Mr.Praman Mathur, Advs.

versus

STATE OF DELHI

..... Respondent

Through: Mr. Raghuvinder Verma, APP
for the State.
SI Satish Kumar PS Ambedkar
Nagar

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ASHUTOSH KUMAR, J.

1. All the petitions have been heard together and are being disposed of by this common judgment.
2. The petitioners herein all the petitions are all related to each other and members of a family.
3. Vandana (deceased) was engaged with petitioner Naresh Kumar on 27.08.2006. The aforesaid engagement was cancelled on 30.04.2007 with the consent of the two families and in presence of the members of Sthanya Bairwa Mahasabha. In the panchayat of the community, the issues were settled and the two families acceded to the request of the Panchayat which had directed the parties to compensate each other for the expenses incurred by them in holding preparations for undertaking the ceremony of marriage.
4. Vandana thereafter attempted to commit suicide on 29.07.2007. A statement was recorded by her father (the complainant) on the same day wherein he categorically stated that Vandana, after the breaking of the marriage proposal, was depressed and was treated in a mental

hospital at Shahdara for two days. On 05.07.2007, she was admitted in Neurological ward of S.J.Hospital for five days. Because of depression, Vandana tried to commit suicide a number of times earlier.

5. On 28.07.2007, it was stated by the complainant, at about 9.45 AM on the pretext of going to the washroom, Vandana bolted the door of the room and hung herself from the fan. When the father of Vandana realized that her daughter is trying to commit suicide, he raised alarm and after opening the door, removed the noose around the neck of Vandana and got her admitted to hospital for treatment. What is important is that on the day when the deceased tried to commit suicide, her father made the aforesaid statement that nobody was responsible for such attempt to commit suicide by Vandana and it was her own decision.

6. Vandana died on 03.08.2007 in the hospital. Thereafter her father lodged a written complaint on the same day and also produced before the police, a suicide note said to have been written by Vandana.

7. In the FIR, the father of the deceased narrated as to how, initially, Vandana and Naresh Kumar were engaged but because of the demand of dowry which could not be fulfilled by the complainant, the engagement had to be called off. As a result of calling off the engagement, Vandana who was a student of post graduation became depressed. She used to confide that she would only marry petitioner Naresh Kumar or otherwise she would commit suicide.

8. In the FIR it has been stated that when Vandana attempted to commit suicide on 29.07.2007 at about 10 AM, she was immediately

taken to Safdarjung Hospital and police was informed. From the clothing of Vandana, in the hospital, a suicide note was found which was given to the police on the same day.

9. Pursuant to the complaint lodged by the father of Vandana, FIR No.569/2007, (P.S.Ambedkar Nagar) was instituted for the offences under Sections 306 and 34 of the IPC.

10. The police after investigation submitted charge sheet whereupon cognizance was taken and the case was committed to the Court of Sessions for trial.

11. The learned Trial Court vide the order impugned dated 03.02.2012 held that a prima facie case under Section 306/34 of the IPC and Section 4 of the Dowry Prohibition Act was made out against the accused persons. Consequently, the petitioners were charged for the aforesaid offences separately.

12. The petitioners herein have challenged the order on charge and respective framing of charges against all of them vide order dated 03.02.2012.

13. It has been submitted on behalf of the petitioners that assuming every allegation in the first information report or the charge sheet to be ex-facie true, the petitioners could not be charged for the offence of 306/34 of the IPC and Section 4 of the Dowry Prohibition Act.

14. The dispute between the families was finally resolved on an amicable note on 30.04.2007. Because of the intervention of the senior members of the community, the families were asked to compensate each other for the expenses incurred by them in the process. Till 30.04.2007 when the panchayati was held and the matter was

amicably resolved, no complaint whatsoever was made by the complainant with regard to demand of dowry and non solemnization of marriage because of such heavy dowry demand.

15. It is submitted that no complaint regarding dowry demand prior to 03.08.2007, when Vandana died, speaks volumes about the allegation in the first information report to be incorrect and brought into existence after due consultation and confabulation.

16. In support of such a contention, the counsel for the petitioners has drawn the attention of the Court to the statement of complainant on 29.07.2007 when Vandana had attempted to commit suicide. No culpability was saddled on anyone of the petitioners and it was clearly stated by the father of Vandana that she had attempted to commit suicide of her own and nobody else could be held responsible for the same.

17. Apart from the above facts, what has been seriously argued by the counsel for the petitioners is that a bare reading of the suicide note, would make it obvious that it is a spurious piece of document which could not have been relied upon for two reasons. The so called suicide note was found in the clothes of Vandana while she was in the hospital and the same was handed over to the police. If this statement were correct, then on 29.07.2007 itself, a case ought to have been registered against the petitioners. The other reason for doubting the genuineness of the aforesaid suicide note is that it does not speak of any dowry demand leading cancellation of the marriage. A wish, surprisingly has been expressed by Vandana in the said suicide note that her last rites be performed by petitioner Naresh Kumar only. It has been pointed

out that the suicide note has been written after giving the contents a caption “suicide note”.

18. In order to appreciate whether the said suicide note is suspect or not, it would be necessary to reproduce the same in the manner in which it has been written:-

SUICIDE NOTE

“मैं अपने पूरे होश में लिख रही हूँ कि मेरी मौत के जिम्मेदार सिर्फ और सिर्फ नरेश, हरीश, सुरेश और उसके माता-पिता हैं मैं पुलिस कार्यकर्ताओं से निवेदन करती हूँ कि उन्हें कड़ी-से-कड़ी सजा मिले। ताकि भविष्य में वह और लड़कियों की जिंदगी बर्बाद न कर सकें।

मेरी request है कि मेरी body का अंतिम संस्कार केवल नरेश ही करे।”

19. From a bare reading of the suicide note, it appears that the deceased had mentally prepared herself to get married to Naresh Kumar or else, she would not have requested for her last rites to be performed by Naresh Kumar. What strikes my attention is the fact that if at all such suicide note is genuine and written by the deceased, she was fully conscious with her cognitive faculties being completely alert and did not take the decision of killing herself in any fit of temper, anger or frustration. However, the circumstance under which the suicide note was brought into existence makes the genuineness of this document shaky. In this context, it would be necessary to examine the offence of abetment to commit suicide.

20. Section 306 IPC provides for punishment for abetment of suicide. It reads as hereunder:-

“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.”

21. The offence of abetment has been defined under Section 107 of the IPC. It reads as hereunder:-

“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. Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing. Illustration A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C. Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.”

22. The definition of an abetment has been further clarified in Section 108 of the IPC which inter-alia states that a person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

“108. Abettor.—A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1.—The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act. Explanation 2.—To constitute the offence of abetment it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.”

23. The main thrust of the argument of the petitioners is whether it would be just, proper and fair to ask the petitioners to face the rigor of a criminal trial in absence of any credible material against them. It has been reiterated that a careful reading of the suicide note, the circumstances under which such suicide note was recovered and other surrounding factors would lead to an inescapable conclusion that the act of the petitioners are not in any way relatable to the decision of Vandana to end her life.

24. Under the Indian law, suicide in itself is not an offence as the successful offender would be beyond the reach of law. As such an attempt to commit suicide has been made an offence under Section 309 IPC.

25. In **Mahendra Singh & Anr. vs. State of M.P.**, (1995) Suppl.3 SCC 731, the Supreme Court, on perusing the statement of the deceased that she was being harassed by her in-laws and her husband and threatened by her husband that he will marry another lady and had illicit relation with his sister-in-law, did not consider such evidence to be sufficient to attract the ingredients of Section 306 of the IPC as mere allegation of harassment would not attract the penal provision of abetment to commit suicide.

26. In **Ramesh Kumar vs. State of Chhattisgarh**, (2001) 9 SCC 618, a three Judge Bench of the Supreme Court had the occasion to deal with a case of suicide. While analyzing the statement made by a husband to his wife in which she was asked to take course to any action what she desired, leading her to commit suicide, the Supreme Court examined the different aspects of the word “instigation”. In para 20 of the aforesaid judgment it has been elucidated as hereunder:-

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do ‘an act’. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other

option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.”

27. After analyzing the different shades of the meaning of the word “instigation”, the Supreme Court came to the conclusion that there was no evidence and material available on record justifying any inference of the accused having abetted the commission of suicide.

28. In **State of West Bengal vs. Orilal Jaiswal & Anr.**, (1994) 1 SCC 73, the Supreme Court has cautioned that the Courts must be wary of accepting on its face value an allegation of abetment to commit suicide when the victim displays hypersensitivity to ordinary situations. A person with a normal mind would not react so strongly and sharply to ordinary travails of life.

29. The dictionary meaning of the word “instigation” and goading is that the person must be intentionally provoked, incited or encouraged for doing an act. Every person is endowed with a different pattern of personality. Some statement which may not evoke any response from an individual, could be a sufficient and guiding factor for another individual to become very upset with. Therefore, no straight jacket formulae could be framed for deciding as to what would constitute abetment to commit suicide.

30. However, what is important to ascertain is whether the cause for committing suicide is proximate and not very remote or else it would only lead to frivolous and uncalled for litigation.

31. There has to be a positive intention (*mens rea*) to commit the offence and for prosecuting any person under Section 306 of the IPC, what is required is a pro-active conduct which would lead the deceased to commit suicide when she or he would have no option left to preserve or maintain her/his self respect.

32. In the present case, assuming the averment of the father of the deceased that after the engagement was called off, the deceased started remaining depressed, to be true, it would only lead to the conclusion that the petitioner was very sensitive to the happenings around her. In a country like India, it is not very uncommon that after initial settlement of marriages, for some reason or the other, such decisions are called off. Cancellation of a matrimonial settlement could take place for many factors. There could be denial of the groom for marrying a particular person or some other intention which may not be fathomable by any outsider. In the present case, what has been shown as the reason for cancellation of the marriage is excessive demand of dowry. Admittedly, even if that were the cause for calling off the engagement, the issues were settled way back in the month of April, 2007. The engagement was fixed in the month of February, 2007. Vandana attempted to and succeeded in committing suicide on 29.07.2007/03.08.2007 i.e. after three months of the settlement of the disputes between the parties, when in front of a panchayat of the same caste group, the families were asked to, and to which they agreed, to recompense for the investments made by either side for the purposes of solemnization of marriage. Thus there was no proximate link with the factum of suicide and saddling the offence of instigation on the

petitioners would be an attempt to enter in the field of speculative imagination.

33. Thus it appears that Vandana was very fragile mentally. According to her father, she attempted committing suicide a number of times before she finally became successful in ending her life at a young age. She was prosecuting post graduation studies. The law cannot possibly guard against such hypersensitivity of individuals.

34. The other aspect which requires to be discussed is whether this case can be quashed at the stage of framing of the charges or the petitioners be directed to face trial.

35. The legal position in this regard have been explicated on a number of occasions by the Supreme Court.

36. In **R.P.Kapur vs. State of Punjab**, AIR 1960 SC 866, the Supreme Court summarized some of the categories where the proceedings could be quashed. It was held that (i) Where it manifestly appears that there is a legal bar against the institution or continuance of the proceeding; (ii) Where the allegations in the FIR or the complaint taken at their face value and accepted in their entirety do not constitute the offence alleged; (iii) Where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced which clearly or manifestly fails to prove the charge, the proceedings ought to be quashed.

37. Similarly, in **Smt.Nagawwa vs. Veeranna Shivalingappa Konjalgi & Ors**, (1976) 3 SCC 736, the Apex Court held that the process against an accused may be quashed or set aside where:-

“(1) where the allegations made in the complaint or the statements of the witnesses recorded in support of the same taken at their face value make out absolutely no case against the accused or the complaint does not disclose the essential ingredients of an offence which is alleged against the accused;

(2) where the allegations made in the complaint are patently absurd and inherently improbable so that no prudent person can ever reach a conclusion that there is sufficient ground for proceeding against the accused;

(3) where the discretion exercised by the Magistrate in issuing process is capricious and arbitrary having been based either on no evidence or on materials which are wholly irrelevant or inadmissible; and

(4) where the complaint suffers from fundamental legal defects, such as, want of sanction, or absence of a complaint by legally competent authority and the like.”

38. In **State of Karnataka vs. L.Muniswamy & Ors**, (1977) 2 SCC 699 the Supreme Court observed that the wholesome power under Section 482 Cr.P.C entitles the High Court to quash a proceeding when it comes to the conclusion that allowing the proceedings to continue would be an abuse of the process of the court or that the ends of justice require that the proceedings ought to be quashed. The High Courts have been invested with inherent powers, both in civil and criminal matters, to achieve a salutary public purpose. A court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In this case, the Court observed that ends of justice are higher than the ends of mere law though justice must be administered according to laws made by the legislature. This case has been followed in a large number of subsequent cases of this Court and other courts.

39. In **Madhu Limaye vs. State of Maharashtra**, (1977) 4 SCC 551, a three Judge Bench of the Supreme Court held as hereunder:-

“(1). ... In case the impugned order clearly brings out a situation which is an abuse of the process of the court, or for the purpose of securing the ends of justice interference of the High Court is absolutely necessary, then nothing contained in Section 397(2) can limit or affect the exercise of the inherent power of the High Court. Such cases would necessarily be few and far between. One such case would be the desirability of the quashing of a criminal proceeding initiated illegally, vexatiously or as being without jurisdiction. The present case would undoubtedly fall for exercise of the power of the High Court in accordance with Section 482 of the 1973 Code even assuming that the invoking of the revisional power of the High Court is impermissible.”

40. In **Madhavrao Jiwajirao Scindia & Ors vs. Sambhajirao Chandojirao Angre & Ors.**, AIR 1988 SC 709, the Supreme Court in para 7 has observed as follows:-

“7. The legal position is well settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilised for any oblique purpose and where in the opinion of the court chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage.”

41. Similar views have been expressed in **Janta Dal vs. H.S.Chowdhary & Ors**, (1992) 4 SCC 305.

42. In **State of Haryana & Ors. vs. Bhajan Lal and Ors**, 1992 Suppl. (1) SCC 335, the Supreme Court in the backdrop of interpretation of various relevant provisions of the Code of Criminal Procedure under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 of the Constitution of India or the inherent powers under Section 482 Cr.P.C, gave the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of the court or otherwise to secure the ends of justice. Thus, this Court made it clear that it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list to myriad kinds of cases wherein such power should be exercised:

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

43. In **G.Sagar Suri and Anr. vs. State of U.P & Ors.**, (2000) 2 SCC 636, the Supreme Court observed that it is the duty and obligation of the criminal court to exercise a great deal of caution in issuing the process particularly when matters are essentially of civil nature.

44. In **State of Andhra Pradesh vs. Golconda Linga Swamy & Anr.**, (2004) 6 SCC 522 the Supreme Court observed as under:

“5. Exercise of power under Section 482 of the Code in a case of this nature is the exception and not the rule. The section does not confer any new powers on the High Court. It only saves the inherent power which the Court possessed before the enactment of the Code. It envisages three circumstances under which the inherent jurisdiction may be exercised, namely: (i) to give effect to an order under the Code, (ii) to prevent abuse of the process of court, and (iii)

to otherwise secure the ends of justice. It is neither possible nor desirable to lay down any inflexible rule which would govern the exercise of inherent jurisdiction. No legislative enactment dealing with procedure can provide for all cases that may possibly arise. Courts, therefore, have inherent powers apart from express provisions of law which are necessary for proper discharge of functions and duties imposed upon them by law. That is the doctrine which finds expression in the section which merely recognises and preserves inherent powers of the High Courts. All courts, whether civil or criminal, possess in the absence of any express provision, as inherent in their constitution, all such powers as are necessary to do the right and to undo a wrong in course of administration of justice on the principle quando lex aliquid alicui concedit, concedere videtur id sine quo res ipsa esse non potest (when the law gives a person anything, it gives him that without which it cannot exist). While exercising powers under the section, the court does not function as a court of appeal or revision. Inherent jurisdiction under the section though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is to be exercised ex debito justitiae to do real and substantial justice for the administration of which alone courts exist. Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and

whether any offence is made out even if the allegations are accepted in toto.”

45. The Supreme Court in **Zandu Pharmaceutical Works Ltd. & Ors. vs. Mohd. Sharaful Haque & Anr.**, (2005) 1 SCC 122 observed thus:

“It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers, court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.”

46. In **Devendra & Ors. vs. State of Uttar Pradesh & Anr.**, (2009) 7 SCC 495, this Court observed as under:

“24. There is no dispute with regard to the aforementioned propositions of law. However, it is now well settled that the High Court ordinarily would exercise its jurisdiction under Section 482 of the Code of Criminal Procedure if the allegations made in the first information report, even if given face value and taken to be correct in their entirety, do not make out any offence. When the allegations made in the first information report or the evidences collected during investigation do not satisfy the ingredients of an offence, the superior courts would not encourage harassment of a person in a criminal court for nothing.”

47. In **State of Andhra Pradesh vs. Gourishetty Mahesh & Ors.**, (2010) 11 SCC 226, the Supreme Court observed that the power under

Section 482 of the Code of Criminal Procedure is wide and they require care and caution in its exercise. The interference must be on sound principle and the inherent power should not be exercised to stifle the legitimate prosecution. The Court further observed that if the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by the Magistrate, it is up to the High Court to quash the same in exercise of its inherent power under Section 482 of the Code.

48. It has been submitted on behalf of the complainant and the State that it was only because of the calling of the marriage proposal of Naresh Kumar with Vandana that Vandana committed suicide. The cause of death was reported to be asphyxia caused by hanging.

49. On the basis of the aforesaid discussion, this Court is of the opinion that it would be unsafe to put the petitioners on trial.

50. It has been informed that one prosecution witness has been partially examined upto now.

51. For the same reason, the petitioners cannot be put on trial for the offence under Section 4 of the Dowry Prohibition Act.

52. From a careful perusal of the entire material and circumstances on record namely fixation of marriage in the month of February, 2007; cancellation of such marriage proposal in April, 2007 and thereafter several attempts of Vandana in attempting to commit suicide; the statement of the father of Vandana on 29.09.2007 that nobody is responsible for Vandana's attempt to commit suicide; suicide note having been recovered from the clothes of Vandana in the hospital while she was under treatment before her death and not lodging of the

first information report even when such suicide letter was given to the police; no attempt on the part of the police to record the statement of other persons during the period when Vandana was in hospital and was undergoing treatment and thereafter the FIR against the petitioners under Section 306/34 of the IPC and later framing of charges under Section 306/34 IPC and Section 4 of the Dowry Prohibition Act, when no complaint/grievance was ever raised by anyone prior to the death of Vandana, this Court arrives at the conclusion that the action of petitioners was not connected with the death of Vandana and, therefore, they are not liable to be prosecuted for the offence under Section 306 of the IPC.

53. For the reasons recorded, the order dated 03.02.2012 whereby charges have been framed under Section 306/34 of the IPC and Section 4 of Dowry Prohibition Act is hereby quashed.

54. The Petitions are allowed.

CrI.M.A.4140/2012 in CRL.REV.P. 172/2012, CrI.M.A No.4142/2012 in CRL.REV.P. 173/2012 & CrI.M.A No.4144/2012 in CRL.REV.P. 174/2012

1. In view of the petitions having been allowed, no orders are required to be passed in the instant applications.

2. Dismissed as infructuous.

ASHUTOSH KUMAR, J

SEPTEMBER 29, 2015

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