

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Revn. No. 3563 of 2014
Date of decision : 16.03.2017**

State of Haryana

.....Petitioner

versus

Parveen

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.R. Singla, DAG, Haryana

Mr. Mohit Garg, Advocate
for the respondent.

RITU BAHRI, J.

CRM-33772-2014

For the reasons mentioned in the application, delay of 54 days
in filing of the present revision petition is condoned.

The application stands disposed of.

Crl. Revn. No. 3563 of 2014

Challenge is to the judgment dated 01.05.2014 passed by the
learned Addl. Sessions Judge, Jhajjar, whereby accused-respondent has
been acquitted.

Brief facts of the case are that on 29.01.2014, vide F.I.R No. 65
dated 29.01.2014, a missing report u/s 346 IPC was lodged by the
complainant-Suresh wherein he stated that his daughter aged about 15 years
had gone from the house in the morning of 27.01.2014 for easing herself but

has not returned. His daughter was not found. On 02.02.2014, the dead body of Neetu was recovered from the well. On 05.02.2014, complainant and his wife-Beero told the police that their daughter Neetu was being pressurized by accused Parveen for marriage and was compelling her to flee with him. Accused-Parveen also teased their daughter on 3-4 previous occasions but they have not lodged any complaint due to apprehension of insult in the society. Their daughter Neetu committed suicide due to the pressure created by the accused. Proceedings under Section 174 was conducted by the police and post mortem examination of deceased was conducted at PGIMS Rohtak. On the basis of statement of complainant and the opinion made by the doctor, Section 306 IPC and Section 3/ 4 of S.C and S.T Act was added by the police after deleting Section 346 IPC.

The accused was thereafter charge sheeted for the offence punishable under Section 306 IPC and Section 3/ 4 of S.C and S.T Act

The Court below after going through the contents of the case, acquitted the accused on the ground that there is no direct evidence available on the file to show that there was any abetment made by the accused to deceased which compelled the deceased to commit suicide. F.I.R was lodged under Section 346 IPC on the basis of written complaint by the complainant and the name of respondent does not find mentioned in the F.I.R. The F.I.R is silent about any previous incident. No complaint has been registered by the parents of Neetu regarding earlier incidents. There is nothing on record to show any positive act of Parveen just before the death/suicide of Neetu.

Heard.

The question for consideration before this Court whether the accused can be said to be guilty of an offence under Section 306 when deceased who had committed suicide merely on the ground that she was insulted or humiliated by the accused.

For ready reference, this Court quote here the provision of Section 306 of the Code, which 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.

Reference can now be made to a judgment of ***Sanju @ Sanjay Singh Sengar v. State of Madhya Pradesh, 2002(2) RCR (Crl) 687*** wherein a quarrel took place between accused and husband of his sister. Accused told the deceased to go and died. The deceased committed suicide on third day of quarrel. Hon'ble the Supreme Court held that it cannot be said that the suicide was direct result of quarrel. There was enough time for deceased to think over and reflect. The accused was acquitted of the charges framed against him.

Reference at this stage can further be made to a judgment of Hon'ble the Supreme Court of India in a case of ***Mangat Ram vs. State of Haryana, 2014(2) RCR Criminal 389*** wherein accused was working as Constable and posted outstation and left his wife in village with parents. Wife committed suicide few months after marriage out of frustration. Hon'ble the Supreme Court acquitted the accused and held that it would not

amount to cruelty leading to abetment of committed suicide by the wife. Failure of married person to take his wife along with his place to posting would not amount to cruelty leading to abetment of suicide. In para 24, it has been observed as under:-

“24. We have already indicated that the trial Court has found that no offence under Section 304-B IPC has been made out against the accused, but it convicted the accused under Section 306 IPC, even though no charge had been framed on that section against the accused. The scope and ambit of Section 306 IPC has not been properly appreciated by the Courts below. Section 306 IPC reads as under:

“306. 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.”

Abetment of suicide is confined to the case of persons who aid or abet the commission of the suicide. In the matter of an offence under Section 306 IPC, abetment must attract the definition thereof in Section 107 IPC. Abetment is constituted by instigating a person to commit an offence or engaging in a conspiracy to commit, aid or intentional aiding a person to commit it. It would be evident from a plain reading of Section 306 read with Section 107 IPC that, in order to make out the offence of abetment or suicide, necessary proof required is that the culprit is either instigating the victim to commit suicide or has engaged himself in a conspiracy with others for the commission of suicide, or has intentionally aided by act or illegal omission in the commission of suicide.”

Reference at this stage can further be made to a judgment of Hon'ble the Supreme Court in a case of ***State of Kerala and others vs. S.Unnikrishnan Nair and others, 2015 (4) RCR Crl. 241*** wherein person

died in police custody. The High Court entrusted the investigation to a Senior Police Officer. The officer committed suicide and left a suicide note which stated Rajan and Unnikrishnan are responsible for my situation. They who compelled me to do everything and cheated me and put me in deep trouble. Hon'ble the Supreme Court dismissed the appeal filed by the State and in para 19 observed as under:-

19. Before parting with the case, we are impelled to say something. Mr. Bhushan, learned counsel appearing for the respondent No. 1 & 2 has drawn our attention to a facet of earlier judgment of the High Court wherein it has been mentioned that at one time the deceased was pressurised by some superior officers. We have independently considered the material brought on record and arrived at our conclusion. But, regard being had to the suicide note and other concomitant facts that have been unfurled, we are compelled to recapitulate the saying that suicide reflects a “species of fear”. It is a sense of defeat that corrodes the inner soul and destroys the will power and forces one to abandon one’s own responsibility. To think of self-annihilation because of something which is disagreeable or intolerable or unbearable, especially in a situation where one is required to perform public duty, has to be regarded as a non-valiant attitude that is scared of the immediate calamity or self-perceived consequence. We may hasten to add that our submission has

*nothing to do when a case under Section 306 IPC is registered
in aid of Section 113A of the Evidence Act, 1872.*

In the present case, there is no direct evidence against the respondent, as admissible under Section 107 of IPC. The parents of the deceased had only lodged F.I.R under Section 346 IPC with regard to missing of their daughter and F.I.R is silent about any previous incident. No complaint has been registered by the parents of Neetu regarding earlier incidents.

Thus the accused has rightly been acquitted by giving him the benefit of doubt, as the abetment is not proved from the evidence available on file.

The petition stands dismissed.

(RITU BAHRI)
JUDGE

16.03.2017
G Arora

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>