

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13588 of 2025**

Arising Out of PS. Case No.-257 Year-2019 Thana- TEGHRHA District- Begusarai

Madhu Kumari @ Dabli Kumari, W/o Late Sudhanshu Kumar Singh @
Munna, D/o Vijay Kumar Singh @ Vijay Kumar, R/o Village- Daniyalpur,
P.S.- Teghra, Dist.- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar
2. Vijay Kumar Singh, S/o Devki Nandan Singh, R/o Village-Korjana, P.S.-
Cheriya Bariyarpur, Dist.- Begusarai.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Senior Advocate Mr. Amit Anand, Advocate
For the State	:	Mr. Anil Kumar Singh No.1, APP
For the O.P. No.2	:	Mr. Mritunjay Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT**

Date : 18-07-2025

Heard learned senior counsel appearing for the
petitioner, learned APP for the State and learned counsel
appearing for O.P. No.2.

2. The present application preferred u/s 482 of the
Criminal Procedure Code (in short 'CrPC') by the petitioner for
quashing of the order dated 11.11.2024 as passed by learned
Incharge Chief Judicial Magistrate, Begusarai in G.R. No.2493



of 2019 arising out of Teghra P.S. Case No.257 of 2019, whereby the learned Jurisdictional Magistrate has taken cognizance of the offence punishable under Section 306 of the Indian Penal Code (in short 'IPC') against the petitioner.

3. The case of prosecution is based upon the written report of informant, namely, Vijay Kumar Singh (O.P. No.2) addressed to the Officer-in-charge of Teghra Police Station is that he had got his younger daughter Madhu Kumari @ Dabli Kumari (petitioner) married to Sudhanshu Kumar Singh on 20.04.2018. After the marriage, the daughter of the informant (petitioner) went to her *Sasural*. From that time itself, Madhu Kumari, wife of elder son of Chandra Bhushan Singh @ Domi Singh namely, Deepak Kumar, who was teacher in D.A.V. Public School, H.F.C. Barauni used to mentally torture the daughter of the informant (petitioner). She had not wanted that Sudhanshu get married, as she wanted to inherit the entire property of Domi Singh. She was trying to anyhow grab the property of Sudhanshu Kumar Singh. The daughter of the informant used to give information about all such happenings to her



father/O.P. No.2. Subsequently, Sudhanshu took the daughter of the informant (petitioner) to his work place at Gujarat. After about one year, Sudhanshu Kumar Singh with his family returned back to his village. When the second wife of Deepak Singh, namely, Madhu Kumari realise that she was not succeeding in her efforts to anyhow trap Sudhanshu Kumar Singh, she administered poison mixed in juice to Sudhanshu Kumar Singh on 04.07.2019. After administering of poison, Sudhanshu was taken to Lifeline Hospital, Barauni and the wife of Deepak Kumar Singh locked the door of her room and fled away. After Sudhanshu was declared dead, Phulwariya Police Station was informed whereafter, post-mortem examination of the deceased was conducted on 05.07.2019. The informant alleged that for inheriting the whole property, the second wife of Deepak Singh namely, Madhu Kumari had administered poison to his son-in-law Sudhanshu. It was further alleged that she had earlier filed a rape case against son of Sudhir Singh, brother of Chandra Bhushan Singh @ Domi Singh. It was further alleged that Chandra Bhushan Singh @ Domi Singh remained a silent



spectator, as he was afraid of the second wife of Deepak Singh. The informant further disclosed that the first wife of Deepak Singh had also died in suspicious circumstances whereafter case was filed against Chandra Bhushan Singh and Deepak Singh and all such family dispute was the reason behind the false implication of petitioner to grab properties of her husband, who committed suicide.

4. On the basis of aforesaid written report of the informant, Teghra P.S Case No.257 of 2019 dated 07.07.2019 under Sections 328, 327, 120-B and 302 of the IPC was registered against petitioner, where after investigation, police submitted charge-sheet u/s 306 of IPC.

5. It is submitted by Mr. P.N. Shahi, learned senior counsel appearing for petitioner that from perusal of FIR, it appears that the informant, who is father of O.P. No.2 projected himself as an eye-witness of the occurrence narrating his statement in such a manner that the occurrence is of murder. It is further submitted that after investigation, the police authority submitted charge-sheet for the offences punishable under Section 306 of the IPC against the



petitioner. It is pointed out that learned Jurisdictional Magistrate through impugned order dated 11.11.2014 referring various paragraphs including para- 8 and 20 of the case diary, took cognizance against the petitioner/accused for the offence punishable under Section 306 of the IPC. In this context, it is submitted that para 8 and 20 of the case diary are nothing but the statement of father of the deceased, who categorically stated in his statement recorded under Section 161 of the CrPC, in para-8 of the case diary that his deceased son had consumed poison out of depression and the same fact he provided to the investigating officer of the case in writing, which is mentioned in para-20 of the case diary. It is submitted that merely on the basis of the ground that cause of death was due to “celphos”, it cannot be said that the offence committed under Section 306 of the IPC, particularly in the background when the FIR was registered under Sections 328, 327, 120-B and 302 of the IPC. It is submitted that from the referred paragraphs of the case diary mentioned in impugned order and other materials available on record, including FIR, it nowhere *prima facie* disclosing any of the



legal ingredient of the offence punishable under Section 306 of the IPC or for that matter making any cognizable offence and, therefore, the same be quashed/set aside in view of legal report of Hon'ble Supreme Court as available through **State of Haryana vs. Bhajan Lal [1992 Supp. (1) SCC 335]**. Mr. Shahi has also relied upon the legal report of Hon'ble Supreme Court as available through **Gurcharan Singh vs. State of Punjab [(2017) 1 SCC 433]**.

6. Learned counsel appearing for O.P. No.2 agreed with submissions as advanced by Mr. Shahi.

7. Learned APP while arguing in support of his counter affidavit dated 10.04.2025 submitted that as death was caused due to intake of 'celphos', therefore, the charge-sheet was submitted under Section 306 of the IPC.

8. It would be apposite to reproduce Section 306 of the IPC for better understanding of the case, which is 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."



9. It would also be apposite to reproduce para-
102 of the **Bhajan Lal case** (supra), which is as under:-

“**102.** In the backdrop of the interpretation of the various relevant provisions of the Code 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 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of 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.”

10. It would further be apposite to reproduce para-
17 of the legal report as available through **Gurcharan Singh’s case** (supra), which is as under:-

“17. While dealing with a case of abetment of suicide in *Amalendu Pal alias Jhantu vs. State of West Bengal*, Dr. Justice M.K. Sharma writing for the Division Bench explained the parameters of Section 306 IPC in the following terms:

“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 there being any positive



action proximate to the 2 (2010) 1 SCC 707 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.

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.”

11. In view of aforesaid factual and legal submissions and by taking note of fact as the allegation raised through FIR and also the statement as referred through various paragraphs of the impugned cognizance order, it nowhere *prima facie* appears that act of petitioner was so active or direct or even connected in any manner, which left no option to deceased except committing suicide, thus, by negating prime legal ingredients as to bring allegation within ambit of Section 306 of the IPC, accordingly, the order dated 11.11.2024 as passed by learned Incharge Chief Judicial Magistrate, Begusarai in G.R. No.2493 of 2019 arising out of Teghra P.S. Case No.257 of 2019 *qua* above-named petitioner is hereby quashed/set aside.



12. The present application stands allowed.

13. Let a copy of this judgment be communicated
to the learned trial court forthwith.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19-07-2025
Transmission Date	19-07-2025

