

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

The Hon'ble **JUSTICE SUVRA GHOSH**

**C.R.R. 2503 of 2024
With
CRAN 1 of 2024**

Dipa Dutta and Another
v/s.
The State of West Bengal & Anr.

For the Petitioners: Mr. Ayan Bhattacharjee, Sr. Adv.
Ms. Ritu Das, Adv.
Mr. Suman Majumdar, Adv.

For the State: Ms. Rituparna Ghose, Adv.
Ms. Eshita Dutta, Adv.

For the Opposite Party No. 2: Mr. Arindam Jana, Adv.
Mr. Bari Israil, Adv.
Mr. Yuvraj Chatterjee, Adv.

Judgment delivered on: 02-04-2025

SUVRA GHOSH, J. :-

1. The victim Nabanita Chanda met with an untimely death on 14th November, 2022 due to overdose of pills. Written complaint was lodged by her brother Abhishek Chanda on the basis of which Electronic Complex police station case no. 188 of 22 dated 17th November, 2022 under section 306/34 of the Indian Penal Code was initiated. Charge sheet was submitted against the husband of the victim Anupam Dutta and his parents (petitioners herein) under section 306/34 of the Indian Penal

Code. The petitioner being the parents in law of the deceased has sought quashing of the proceedings being G.R. 1138 of 2022 pending before the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24 Parganas.

2. Learned counsel for the petitioners has submitted that the main thrust of the allegation is against the husband and the allegations made against the petitioners are general and omnibus. The minor son of the deceased has stated in his statement recorded under section 161 of the Code of Criminal Procedure that there used to be frequent altercations between his parents and his grandparents (the petitioners herein) used to rebuke his mother. He has also stated that a few days prior to his mother's death, there was an altercation between his parents. Statements of witnesses recorded under section 161 of the Code in course of investigation speak about torture inflicted upon the victim by the petitioners. But such torture cannot be said to be proximate to the occurrence which led to the suicide. The victim was taken to the hospital on 13th November, 2022 and on a chest x-ray being done, no internal injury was detected. The cardiac silhouette and bony thoracic cage were found to be normal and both domes of diaphragm were normally placed. In the autopsy report, fracture of left sided second to sixth ribs was detected. According to learned counsel, since no internal injury to the ribs was found upon admission of the victim to the hospital, the fracture detected in the report may have been caused due to cardiopulmonary resuscitation (CPR) conducted upon her. Learned counsel submits that no case under section 306 of the Indian Penal Code being made out against the petitioners, the case

against them ought to be quashed. Learned counsel has placed reliance on the authorities in *Shabir Hussain v/s. State of Madhya Pradesh and Others* reported in (2021) 17 Supreme Court Cases 807, *Jayedeesinh Pravinsinh Chavda & Ors v/s. State of Gujarat* reported in (2024) 12 S.C.R. 439, *Mahendra Awase v/s. State of Madhya Pradesh* reported in AIR 2025 Supreme Court 568, *Laxmi Das v/s. State of West Bengal* reported in AIR 2025 Supreme Court 608 and *Swamy Prahaladdas v/s State of M.P and Another* reported in 1995 Supp (3) Supreme Court Cases 438 in support of his contention.

3. Speaking for the private opposite party/defacto complainant, learned counsel has submitted that the veracity of the statements under section 161 of the Code of Criminal Procedure ought to be assessed during trial. The injury detected in the person of the deceased during autopsy should be explained by the autopsy surgeon in evidence. Whether such injury was caused due to CPR or any other reason are factual aspects which need to be adjudicated during trial. The evidence collected during investigation suggests continuous torture inflicted upon the victim by her husband and the petitioners and prima facie involvement of the petitioners in the offence alleged has transpired during investigation. The allegations need to be adjudicated by way of evidence and the case should not be quashed at the threshold in exercising jurisdiction under section 482 of the Code of Criminal Procedure.
4. Learned counsel for the State has referred to the case diary, particularly the statement of Pallavi Chakraborty, a friend of the victim who has stated that the petitioners used to inflict torture upon the victim. Learned

counsel has drawn the attention of the Court to the injury in the person of the victim recorded in the post mortem report and has submitted that cause of the said injury has to be determined by examination of witnesses including the autopsy surgeon. There are several factual aspects involved herein which cannot be decided without trial.

5. I have considered the rival contention of the parties and material on record.
6. The petitioners are the parents in law of the victim. Charge sheet has been submitted against them under section 306/34 of the Indian Penal Code. Admittedly the victim died due to overdose of medicine.
7. Section 306 of the Indian Penal Code (IPC) provides for punishment for the offence of abetment of suicide. It shall be useful to reproduce the provision.

“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.”

“Abetment” has been defined in section 107 of the IPC as hereunder:-

“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 any 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.”

8. In order to substantiate such offence, the intention to abet commission of suicide is essential. Mere allegations of cruelty meted out upon the victim is not sufficient to establish an offence under section 306 of the IPC. Such cruelty should be proximate to the commission of suicide. [(Jayedeepsinh Pravinsinh (supra)]. This view has been echoed in the authorities in Shabbir Hussain (supra), Mahendra Awase (supra), Laxmi Das (supra) and Swami Prahlad Das (supra).
9. It is trite law that in absence of proximate link between the alleged cruelty/abetment and commission of suicide, it cannot be said that there was any act of instigation of incitement of suicide which led to the occurrence.
10. In the present case, though there are general and omnibus allegations of torture upon the victim by the petitioners, there is no evidence on record to suggest that such torture was proximate to the commission of suicide by the victim or left the victim with no other option but to commit suicide. There are specific allegations against the husband of the victim who is not before this Court. The minor son of the victim has also spoken about altercations between the victim and her husband and also that the victim was scolded by the petitioners. The other witnesses including the childhood friend of the victim have indicated that the victim's husband was primarily responsible for her death. The witnesses have talked about torture inflicted by the petitioners upon the victim but the said torture

can under no circumstances be stretched to the extent which would push the victim to a mental state where she is left with no alternative but to end her life. No incident of abetment by the petitioners proximate to the commission of suicide has found place in the evidence collected in course of investigation.

11. With regard to the rib injury found in the person of the victim during autopsy, this Court finds substance in the submission made on behalf of the petitioners. Since no internal injury was detected when the victim was taken to the hospital on 13th November, 2022 soon after the alleged incident, such injury being caused prior in time or being the cause of death can safely be ruled out. It is also not the prosecution case that death of the victim was due to injuries sustained by her. The injury being detected during the time span of the victim's treatment and death, the petitioners cannot be held responsible for the same.
12. No case under section 306 of the IPC having been made out against the petitioners during investigation, this Court is of the view that the petitioners should not be made to suffer the ordeal of a trial which cannot culminate in their conviction. The petitioners, therefore, deserve to be discharged from the case.
13. The revisional application being CRR 2503 of 2024 is allowed.
14. The connected application being CRAN 1 of 2024 is disposed of.
15. G.R. 1138 of 2022 pending before the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24 Parganas be quashed qua the petitioners.

16. The petitioners be set a liberty at once and discharged from their bail bonds.
17. It is made clear that the proceeding shall continue against the other accused.
18. Case diary be returned.
19. Urgent certified website copies of this judgment, if applied for, be supplied to the parties expeditiously on compliance with the usual formalities.

(Suvra Ghosh, J)