

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:-

THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)

CRR NO.2498 of 2023

**SUDIPA SAHA
VS.
THE STATE OF WEST BENGAL & ANR.**

**For the Petitioner : Mr. Robiul Islam, Adv.,
Mr. Raju Mondal, Adv.,
Mr. M. Rahaman, Adv.**

**For the State : Ms. Anasuya Sinha, Adv.,
Ms. Poulami Bose, Adv.**

Last heard on : 28-11-2025.

Judgement on : 28-11-2025.

Uploaded on : 02.12.2025

CHAITALI CHATTERJEE (DAS), J. :-

1. This revisional application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 has been filed for quashing of the criminal proceeding pending before the learned Chief Judicial Magistrate, Murshidabad, in connection with Police Station Case No.224 of 2022 dated 27th May, 2022 under Section 306 of the Indian Penal Code.

2. It is the case of the petitioner that the petitioner had a relation with the son of the opposite party no.2 who was a student of Amta College at Murshidabad. Unfortunately, the incident happened whereby the said son of the present opposite party no.2 hanged himself in the house of the complainant on 24th May, 2022 and this complaint has been lodged by the father of the deceased being the opposite party no.2 before the Hariharpara Police Station on 27th May, 2022 against the present petitioner holding her responsible for such unfortunate death. On the basis of such written complaint, Hariharpara Police Station Case No.224 of 2022 dated 27th May, 2022 under Section 306 of the Indian Penal Code started and the petitioner was arrested and produced before the learned Chief Judicial Magistrate, Murshidabad on 04th November, 2022. She got bail only on 21-11-2022. On completion of the investigation, charge sheet has been submitted on 12th November, 2022.
3. It is submitted by the learned advocate of the petitioner that the present petitioner is no way connected with the alleged offence and there was no involvement of the petitioner in the said allegations as levelled against him. It is submitted that this application had to be filed for quashing of the said proceeding since the complaint has been lodged with frivolous allegation against her. It is further submitted that the allegations made in the complaint are so absurd that no prudent person can ever reach to such conclusion that there is sufficient ground for proceeding against the petitioner. In this connection, learned advocate relied upon the decision of ***State of Haryana &***

Ors. Vs. Bhajan Lal & Ors., reported in¹ and submits that no other parameters as required to maintain an application for quashing can be found from the complaint and hence, if the proceeding is allowed to be continued, it would be the abuse of the process of law.

4. Learned Prosecution has handed over the Case Diary of the case and draws the attention of the Court to the statement made by the witnesses and candidly submits that there may not be that ingredient so as to constitute an offence under Section 306 of the Indian Penal Code. None appears to represent the opposite party no.2 despite service of notice.

5. Heard the submission of learned Advocates. The complaint had been lodged on 27th May, 2022 by the father of the victim deceased who was aged about 19 years at the very point of time and who committed suicide. The said complaint reveals that the petitioner had a romantic relationship with the said son. It has been alleged that the present petitioner refused to marry despite making a promise and further she pressurized him for money and also blackmailed him for which his son was mentally depressed and compelled to commit suicide on 24th May, 2022 at about 09-17 A.M. immediately after the telephonic conversation between the parties. From the Case Diary prima facie it is seen on perusal of the surathal report that the victim was suffering from mental depression for some days and, therefore, he committed suicide on that particular day. The other submission recorded by the various witnesses under Section 161 of the Code of Criminal Procedure would reveal that admittedly

¹ (1992) Supp (1) SCC 335

the petitioner had a romantic relation with the said victim boy. However, later on the petitioner refused to continue with such relation and then the victim committed suicide. The issue now falls for consideration whether the complaint if allowed to be continued would be abuse of the process of law required to be considered whether there are ingredients to attract Section 306 of the Indian Penal Code or not under which the charge sheet has been filed.

6. The celebrated decision of ***Haryana vs Bhajanlal the Hon'ble Supreme Court (Supra)*** mentioned the parameters and guiding factors to invoke Section 482 Cr.Pc in paragraph which include where the allegations on the face value is considered and accepted it would not constitute an offence or make out a case against the accused person.

7. In a decision reported ***in (Prakash & Ors. Vs. State of Maharashtra & Anr.)²***, an application was filed to discharge from the charge under Sections 306/34 of the Indian Penal Code and against the order of refusal a Special leave petition was filed before the Hon'ble Supreme Court and it was held that the two basic ingredients are necessary to attract Section 306 of the Indian Penal Code i) the act of suicide and ii) abetment of the said act. That apart, there must be a direct and indirect act of the accused person and to prove such contribution for involvement one of the conditions outlining in the Section 107 of the Indian Penal Code is to be satisfied. It was held time and again that Section 306 and Section 107 of the Indian Penal Code have interpreted the ingredients necessary to attract the offence of abetment to

² 2024 INSC 1020

suicide and, therefore, it is important to establish that there must be a direct or indirect acts of instigation or incitement which compels the victim to commit suicide. In this connection, it would be pertinent to set out the Sections 306 & 107 IPC herein below:

“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.”

107. Abetment of a thing. – A person abets the doing of a thing, who –

First. – Instigates any person to do that thing;

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.”

In fact, there has to be some ingredient which shall establish the commission of suicide and put the victim in such a position that he or she would have no other option but to commit suicide. In this case the allegation levelled against the petitioner that she pressurized the boy but for what reason has not been described. In the decision reported in ... it was held by The Hon'ble Supreme court that where prima facie it can be found from the written complaints that

the allegations are so improbable and it lacks the essential ingredients to attract the required ingredients the court can take a close scrutiny of the F.I.R and also the other factors while exercising power to quash a criminal proceedings.

In this case from the case diary it can be found that no word is mentioned which would manifest those were an act of instigation and abatement to commit suicide. In fact the case diary on the other hand shows the conversation between the victim and petitioner through whatsapp and no iota of materials can be found which can attract either Section 306 IPC or section 107 IPC.

8. In another decision reported in **(Ayyub & Ors. Vs. State of Uttar Pradesh & Anr.)³**, it was reiterated by the Hon'ble Supreme Court that in order to make out an offence under Section 306 IPC, the specific abetment contemplated under Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. In this case, what is apparent from the contents of the complaint that admittedly there was a relationship between the parties and even if for the sake of argument, it is considered that there was a promise to marry, but subsequently the petitioner refused to continue with that relationship which could not be accepted by the victim and he committed suicide, this act itself cannot be considered within the purview of Section 107 of the IPC in order to constitute an offence under Section 306 of the Indian Penal Code.

³ (2025) 2 SCC 452

9. Therefore, from the above facts and circumstances of the case and considering the material available from the Case Diary, in particular, the contents of the written complaint itself, this Court is of the view that there is no sufficient materials to proceed against the petitioner for which the trial is necessary on the contrary if the present proceeding is allowed to be continued, it would be absolutely an abuse of the process of law. Therefore, there is no reason to allow the proceeding to be continued. This revisional application stands allowed and the entire proceeding pending before the learned trial Court is hereby quashed.

10. The Case Diary is returned herewith.

11. All parties shall act on the server copies of this judgment duly downloaded from the official website of this Court.

12. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

[CHAITALI CHATTERJEE (DAS), J.]