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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 141/2025 & CRL.M.A. 11536/2025, CRL.M.A.
11537/2025

SANJEEV KUMAR

.....Petitioner

Through: Mr. Harish Kumar Gupta, Mr. Gaurav
Sharma, Mr. Nased Ahmed and Mr.
Lakshay Gola, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP.
SI Ghanshyam, PS: Wazirabad.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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17.04.2025

1. Issue notice. Mr. Mukesh Kumar, APP, accepts notice. With the consent of counsel for the parties and having regard to the nature of the controversy, the matter is taken up for final disposal at the stage of admission.

2. The present petition filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Sections 397 and 401 of the Code of Criminal Procedure, 1973¹) assails orders dated 10th February, 2025 and 5th March, 2025 passed by the Court of ASJ-02, Central, Tis Hazari Courts, Delhi in SC No. 588/2023.² By way of the impugned orders, the Sessions

¹ "Cr.P.C."

² titled as *State v. Sanjeev Kumar*



Court has framed charge against the Petitioner under Section 306 of the Indian Penal Code, 1860.³ The said proceedings emanate from FIR No. 824/2023 registered under Section 306 of IPC at P.S. Wazirabad.

3. Briefly stated, the case of the prosecution is as follows:

3.1. The deceased, who was the Complainant's sister, came into contact with the Petitioner approximately 6-7 years prior to the incident, and they developed a romantic relationship. Although the Petitioner married someone else in 2018, he continued his relationship with the deceased. In March, 2023, when the deceased's marriage was fixed with another individual, she expressed her desire to marry the Petitioner. The Petitioner told her that if they could not live together, they should die together and instructed her to carry *Celphos* tablets in her bag. On the intervening night of 5th/6th August, 2023, before the deceased's scheduled pre-wedding photoshoot, the Petitioner purportedly instigated her to consume the tablets. Thereafter, he also ingested rat poison and got himself admitted to a hospital. Upon seizure of his mobile phone, he disclosed that he had deleted all communications with the deceased due to fear.

3.2. Based on the Complainant's statement, an FIR was registered. She stated that on 5th/6th August, 2023, at around 3:00 AM, the health of her sister deteriorated following which the family rushed her first to Nirankari Hospital and then to Hindu Rao Hospital. It was there that the family was informed that the deceased had consumed poisonous tablets. Despite medical intervention, she could not be saved. Upon returning home, the complainant discovered a *Celphos* wrapper in her sister's bag. Subsequently,

³ "IPC"



she retrieved a WhatsApp conversation from a mobile phone belonging to her (the complainant), which allegedly indicated that the Petitioner had instigated her sister to end her life. During the investigation, a Samsung Galaxy Note 10 was recovered from the Petitioner, allegedly used for communication with the deceased. CDR and CAF records of both the Petitioner and the deceased revealed frequent calls and messages between them.

3.3. At the stage of framing of charge, the Petitioner argued before the Trial Court that no *prima facie* case under Section 306 IPC was made out, and that he had been falsely implicated. The Trial Court, however, did not find merit in these submissions and, by order dated 10th February, 2025, directed framing of charge under Section 306 of IPC. The charge was formally framed on 5th March, 2025.

3.4. In the above background, the Petitioner has approached this Court in revision, assailing the orders framing charge.

4. Mr. Harish Kumar Gupta, counsel for Petitioner challenges the impugned orders on the following grounds:

4.1. The Trial Court failed to appreciate that the evidence on record does not disclose the essential ingredients of the offence under Section 306 IPC.

4.2. The chargesheet contains material inconsistencies and contradictions which have not been properly examined by the Trial Court. The charge has been framed on the basis of presumptions, rather than tangible evidence.

4.3. The proceedings are maliciously motivated by the Complainant (sister of the deceased) and amount to an abuse of the process of law.

4.4. The entire case of the Prosecution is only based on the disclosure



statements, which have been given undue weightage by the Trial Court. The Court has ignored the fact that the prosecution is required to prove its case beyond reasonable doubt. In this regard, reliance is placed on the judgment of the Supreme Court in **Vinay Tyagi v. Irshad Ali**.⁴

4.5. To attract the offence under Section 306 IPC, there must be a clear, proximate, and intentional act of instigation or abetment. A romantic relationship, by itself, does not amount to abetment to suicide unless there is direct or indirect conduct which compelled the deceased to end her life. In this regard, reliance is placed on **Prabhu v. The State Rep by the Inspector of Police & Anr**.⁵ which held that heartbreak or rejection alone cannot be treated as abetment.

4.6. The WhatsApp conversation relied upon by the prosecution does not disclose any instigation on part of the Petitioner. On the contrary, it is argued that the deceased initiated the discussion regarding the tablets and their effect. The chat, according to the Petitioner, reflects no culpability on his part.

4.7. The WhatsApp exchange relied upon by the prosecution indicates that the deceased had already ingested the tablets prior to initiating the conversation with the Petitioner. Furthermore, the chat took place via a WhatsApp account linked to a mobile number registered in the name of the Complainant, not the deceased.

5. Mr. Mukesh Kumar, APP for the State strongly opposes the present petition. He submits that the Petitioner has admitted to having deleted the

⁴ (2013) 5 SCC 762

⁵ 2024 SCC OnLine SC 137



incriminating chats exchanged with the deceased. Consequently, the Petitioner's mobile phone has been sent for forensic examination, and the report in this regard is presently awaited.

6. The Court has considered the aforementioned facts and contentions. It is well-established that at the stage of framing of charge, the Court is not required to conduct a meticulous evaluation of the evidence. Rather, the scope of judicial scrutiny at this stage is limited to forming a *prima facie* view based on the material placed on record. In ***State of Tamil Nadu v. R. Soundirarasu and Others***,⁶ the Supreme Court held that at the stage of framing of charge, even strong suspicion founded on material which leads the court to form a presumptive opinion as to the existence of the factual ingredients constituting the offences alleged would justify the framing of charge against the accused in respect of that offence, and it is only in a case where the Magistrate considers the charge to be groundless, he is to discharge the accused after recording his reasons for doing so.

7. Applying the above legal principles, the Trial Court rightly proceeded to make a *prima facie* assessment of the material placed on record, without delving into a detailed examination of its veracity. In doing so, the Court made the following pertinent observations:

“14. As per allegations, on 06.08.2023, police officials received information from Hindu Rao Hospital that deceased expired on consuming some unknown poisonous substance. It further revealed that sister of deceased produced a wrapper to the police officials on which "Celphos" was printed. It further reveals that one whatsapp chat also produced by the sister of deceased reflecting that she was allegedly chatting with accused around 03:00 a.m. in the night

15. Relevant portion of chat is reproduced as under:-

⁶ (2023) 6 SCC 768



“‘Hanji 3:07, ‘Huva Kuch’ 3:08, ‘Leli h Maine’ 3.08, ‘Tumne leli’ 3:08, ‘Sanju’ 3:08, ‘Ha lag rha h Ho Jayega’ 3:08, ‘Lay Lee’ 3:09, ‘Ha’ 3:09, ‘Mere ko bhi’ 3:09, ‘Vomit jaisa..Man ho rha h’ 3:09, ‘Karna mat’ 3:09 ‘Bol’ 3:10, ‘Bolo yaar’ 3:12”.

16. It is further reveals that present FIR was registered on the complaint of sister of deceased wherein she stated that on 05/06-08-2023 in the night time at around 03:00 a.m, health of deceased got deteriorated whereupon deceased was taken to Nirankari Hospital for primary treatment and thereafter she was taken to Hindu Rao Hospital where she disclosed to her sister that she has consumed several tablets. It is further stated that during treatment deceased expired and after returning back she recovered one wrapper from her bag on which cephos was written. Thereafter she checked her mobile phone and located aforesaid WhatsApp chat in the same. She further alleged that later on it was revealed that deceased was chatting with the accused who instigated her to commit suicide. It further reveals that during investigation one mobile phone Samsung Galaxy Note 10 was recovered from the accused through which he allegedly used to chat with the deceased. It further reveals that CDR/CAF details of mobile phone used by deceased and accused were obtained whereupon it is revealed that several calls and messages were exchanged between them.

17. Authenticity of alleged chats and allegations of complainant can be assessed after evidence and contradictions pointed out by the Ld. Defence Counsel are also matter of trial and at this stage, court is not required to marshal the evidence as discussed above. Furthermore this court finds force in submissions of Ld. Addl. PP for the State that judgments/citations relied upon by Ld. Counsel for the accused are not applicable to case in hand as the facts and circumstances of said cases are different from the present case except the settled law given in case titled as "**Union of India v. Prafulla Kumar Samal & Anr. 1979 AIR 366**".

18. **Thereafter, on the basis of the record, prima facie there is sufficient material on record to frame charge for the offence punishable under Section 306 IPC against accused Sanjeev Kumar.** Accordingly, application seeking discharge of accused is hereby dismissed. Charge be framed accordingly.

19. List for framing of charge on **01.03.2025**.

20. The interim bail of applicant/accused is extended till NDOH only as per terms and conditions of previous 08.05.2024.”

8. The material on record, particularly, the WhatsApp conversations which the Petitioner denies having authored, *prima facie* suggest that the



parties were engaged in a discussion pertaining to the consumption of a toxic substance. One of the participants in the exchange is recorded as stating that they are feeling nauseous, an indication that they had ingested something harmful, while the other participant appears to dissuade them from vomiting. This conversation, occurring proximate to the time of the incident, *prima facie* suggests that the Petitioner may have had a role in instigating or abetting the consumption of the toxic substance. Although the Petitioner argues that the alleged WhatsApp account used in the conversation does not belong to the deceased, yet the Petitioner's participation is not in dispute as his number has been identified. In addition, material handed over by the Complainant to the police includes a wrapper labelled "Celphos," recovered from the deceased's belongings, which further supports the allegation that such a substance was ingested. The MLC report, too, indicates that the cause of death was consumption of a poisonous substance. Furthermore

9. In the above circumstances, the Court finds that the prosecution's case cannot be dismissed merely as one involving emotional fallout from a failed romantic relationship, as suggested by the Petitioner. On the contrary, the timing and content of the alleged conversation suggest that the Petitioner may have actively contributed to the mental state of the deceased immediately preceding her death. The material on record, therefore, goes beyond mere heartbreak, and *prima facie* supports the inference that the Petitioner abetted the act of suicide. Consequently, the framing of charge under Section 306 of IPC, is not only permissible but also warranted in the facts of the present case.



10. Furthermore, it has been brought to the Court's notice that the Petitioner allegedly admitted to having deleted the chats exchanged with the deceased. The mobile phone has since been seized and is presently undergoing forensic examination, with the report awaited. This aspect lends further credence to the prosecution's claim that relevant material evidence was tampered with, and underscores the necessity of subjecting the matter to trial.

11. In view of the above discussion, this Court is of the considered opinion that no case for discharge is made out.

12. It is clarified that the observations made in this order are limited to the adjudication of the present petition and shall not influence the Trial Court at the stage of final determination of the case.

13. Accordingly, the present petition is dismissed, along with pending applications.

SANJEEV NARULA, J

APRIL 17, 2025/d.negi