HC-KAR

NC: 2026:KHC:65404
CRL.P No. 3885 of 2024

CNR: KAHC010232702024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 3885 OF 2024

BETWEEN:

NAVEEN KUMAR @ NAVEEN
S/O D ARJUN
AGED ABOUT 37 YEARS,
R/AT NO 25, 4TH CROSS, 1ST MAIN,
SUDHAMANAGAR, BENGALURU-560 027

...PETITIONER

(BY SRI. R SHASHIDHARA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY HSR LAYOUT POLICE STATION,
BENGALURU,
REPRESENTED BY SPP
HIGH COURT BUILDING,
BANGALORE 01

2. REKHA W/O LATE SURESH,
AGE 27 YEARS, HOUSEWIFE,
R/AT NO 24, 1ST MAIN ROAD,
2ND CROSS, MUNESHWARANAGAR,
6TH SECTOR, HSR LAYOUT,
BENGALURU-560 102

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. RANGANATH REDDY, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.PC. PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.1886/2023

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

PENDING ON THE FILE OF THE LXII ADDL.CITY CIVIL AND SESSIONS JUDGE AT BENGALURU FOR THE OFFENCE P/U/S 306 OF IPC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings against the petitioner/accused No.1 in S.C.No.1886/2023, arising out of Crime No.313/2022, registered by HSR Layout Police, for the offence punishable under Section 306 of IPC, pending on the file of LXII Addl. City Civil and Sessions Judge at Bengaluru.

2. The brief facts of the case are, respondent No.2 lodged a complaint before respondent No.1-Police on 01.12.2022 alleging that her husband was borrowed a hand loan of Rs.10,00,000/- from the petitioner and Rs.1,50,000/- from one Siddesh. It is further alleged that her husband also borrowed amount from different persons. Thereafter, the petitioner and Siddesh repeatedly contacted her husband and insisted him to repay the loan amount. About 15 days prior to the date of incident, when respondent No.2's husband was not

at home, the petitioner, along with 4-5 other friends, entered the house of respondent No.2 and demanded for repayment of loan amount received by her husband. At that time, the petitioner forcibly taken the signature of respondent No.2 on the blank cheque. It is further alleged that on 01.12.2022 in the morning hours, Siddesh visited the house of respondent No.2 and abused her husband by demanding the loan amount. Later, she went to her work. When she returned to her house at about 06:00 p.m., she found her husband committed suicide in the house and she also found a death note beside the corpse of his husband. Accordingly, she lodged the complaint. On the strength of the said complaint, FIR came to be registered in Crime No.313/2022 dated 01.12.2022 for the offence punishable under Section 306 of IPC against the petitioner and seven others. Subsequently, respondent No.1-Police investigated the case and laid charge sheet against the petitioner by dropping all the accused. Accordingly, the learned Magistrate took cognizance of the offence. Aggrieved by the same, the petitioner/accused No.1 is before this Court.

3. Heard the learned counsel for the respective parties.

4. The primary contention of the learned counsel for the petitioner is, on perusal of the complaint averments, on the date of incident i.e., commission of suicide by respondent No.2's husband, one Siddesh allegedly visited the house, abused and insisted her husband and thereby instigated him to commit suicide. The only allegation against this petitioner is that he advanced a loan of Rs.10,00,000/- to the husband of respondent No.2 and thereafter, he demanded for repayment of the same 15 days prior to the incident. As such, the same does not attract the provision under Section 306 of IPC. Hence, continuation of FIR and further proceedings against the petitioner/accused No.1 would amounts to abuse to process of Court. Accordingly, he prays to allow the petition.

5. *Per contra*, the prayer of the petitioner is opposed by learned HCGP for respondent No.1 and learned counsel for respondent No.2 on the ground that now the charge sheet has been filed and the statement of material witnesses reveal that due to instigation and abatement committed by this petitioner,

the husband of respondent No.2 committed suicide. They also contented that a death note was recovered from the house of respondent No.2, wherein it is stated that due to intolerable torture meted out by the petitioner, the husband of respondent No.2 committed suicide. In such circumstances, ingredients of Section 306 of IPC is clearly made out against the petitioner/accused No.1. Accordingly, they pray to dismiss the petition.

6. I have given my anxious consideration to the submissions and perused the complaint, FIR, charge sheet and other documents made available before this Court.

7. As could be gathered from the complaint averments, it is specifically stated that the husband of respondent No.2 borrowed a hand loan from the petitioner and Siddesh and other different persons. On the date of incident i.e., on 01.12.2022, Siddesh visited the house of respondent No.2 and allegedly insisted her husband for repayment of loan amount and left the house. Thereafter, when she returned to her house at about 06:00 p.m., she found her husband committed suicide in the house and she also found a death note

beside the corpse of his husband. The death note placed by the learned HCGP reveals the list of persons from whom the husband of respondent No.2 borrowed a loan. The complaint averments further reveals that prior to 15 days of the commission of suicide, the petitioner allegedly visited the house of respondent No.2 and obtained her signature on the blank cheque. However, there is no such allegation that this petitioner either abused or instigated the husband of respondent No.2 to commit suicide. Though FIR was registered against this petitioner, Siddesh and six others, surprisingly while filing charge sheet, except the petitioner/accused No.1, respondent No.1-Police dropped the said Siddesh and six others.

8. The Hon'ble Apex Court in the case of ***NIPUN ANEJA V. STATE OF U.P.*** - ***2024 SCC Online SC 4091***, held in paragraph Nos.21 and 22 as under:

> *"**21**. The ingredients to constitute an offence under Section 306 of the IPC (abetment of suicide) would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account of great disturbance to the psychological imbalance of the*

deceased such incitement can be divided into two broad categories. First, where the deceased is having sentimental ties or physical relations with the accused and the second category would be where the deceased is having relations with the accused in his or her official capacity. In the case of former category sometimes a normal quarrel or the hot exchange of words may result into immediate psychological imbalance, consequently creating a situation of depression, loss of charm in life and if the person is unable to control sentiments of expectations, it may give temptations to the person to commit suicide, e.g., when there is relation of husband and wife, mother and son, brother and sister, sister and sister and other relations of such type, where sentimental tie is by blood or due to physical relations. In the case of second category the tie is on account of official relations, where the expectations would be to discharge the obligations as provided for such duty in law and to receive the considerations as provided in law. In normal circumstances, relationships by sentimental tie cannot be equated with the official relationship. The reason being different nature of conduct to maintain that relationship. The former category leaves more expectations, whereas in the latter category, by and large, the expectations and obligations are prescribed by law, rules, policies and regulations.

***22**. The test that the Court should adopt in this type of cases is to make an endeavour to ascertain on the basis of the materials on record whether there is anything to indicate even prima facie that the accused intended the consequences of the act, i.e., suicide. Over a period of time, the trend of the courts is that such intention can be read into or gathered only after a full-fledged trial. The problem is that the courts just look into the factum of suicide and nothing more. We believe that such understanding on the part of the courts is wrong. It all depends on the nature of the offence & accusation. For example, whether the accused had the common intention under Section 34 of the IPC could be gathered only after a full-fledged trial on the basis of the depositions of the witnesses as regards the genesis of the occurrence, the manner of assault, the weapon used, the role played by the accused etc. However, in cases of abetment of suicide by and large the facts*

make things clear more particularly from the nature of the allegations itself. The Courts should know how to apply the correct principles of law governing abetment of suicide to the facts on record. It is the inability on the part of the courts to understand and apply the correct principles of law to the cases of abetment of suicide, which leads to unnecessary prosecutions. We do understand and appreciate the feelings and sentiments of the family members of the deceased and we cannot find any fault on their part if they decide to lodge a First Information Report with the police. However, it is ultimately for the police and the courts of law to look into the matter and see that the persons against whom allegations have been levelled are not unnecessarily harassed or they are not put to trial just for the sake of prosecuting them.

9. Further, the Hon'ble Apex Court, in ***Mariano Anto Bruno vs. Inspector of Police*** **[2022 LiveLaw (SC) 834]**, settled the position of law regarding Section 306 of the IPC in paragraph Nos.36 and 38 as under:

*"**36**. To convict a person under Section 306 IPC, there has to be clear mens rea to commit offence. It also requires an active act or direct act which leads deceased to commit suicide finding no other option and the act must be such reflecting intention of the accused to push deceased into such a position that he commits suicide. The prosecution has to establish beyond reasonable doubt that the deceased committed suicide and Appellant No.1 abetted the commission of suicide of the deceased. In the present case, both the elements are absent.*

***38**. This Court has time and again reiterated that before convicting an accused 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 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 their being any positive action proximate to the 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."*

10. Further, the above positions of law is reiterated by the Hon'ble Apex Court in ***MOHIT SINGHAL AND ANOTHER vs. STATE OF UTTARAKHAND AND OTHERS - (2024) 1 SCC 417*** that, if the alleged incident of abatement was committed prior to 1 or 2 weeks before the date of suicide, such allegation cannot attract the ingredients of Section 306 of IPC, since the same lacks close proximity to the date of suicide. The above findings squarely applicable to the fact and circumstances of this case. In the instant case, the petitioner demanded for repayment of the loan amount prior to 15 days to the date of commission of suicide. As such, there is no close proximity, since soon before the commission of suicide, the petitioner had not approached or abated the deceased to committed suicide. In such circumstances, even if the entire allegations in the FIR and charge sheet taken at their face value, no offence is made out against the petitioner/accused No.1 under the provisions of

306 of IPC. In that view of the matter, continuation of the proceedings against the petitioner/accused No.1 amounts to abuse of process of Court. Accordingly, I proceed to pass the following;

ORDER

i. The petition is ***allowed***.

ii. The proceedings against the petitioner/accused No.1 in S.C.No.1886/2023, arising out of Crime No.313/2022, registered by HSR Layout Police, for the offence punishable under Section 306 of IPC, pending on the file of LXII Addl. City Civil and Sessions Judge at Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 25