

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

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Judgment delivered on: 17.09.2025

+ **CRL.M.C. 147/2007****LAXMI JHA & ANR**

.....Applicants

versus

STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Supriya Juneja, DSLSA & Ms. Shreya, Advs.

For the Respondent : Mr. Sunil Kumar Gautam, APP for the State.
Mr. Raj Pal Singh, Rohit Kumar & Mr. Deepak Pandey, Advs. for R-2.
Insp. Prabhat, PM Cell Security, SI Bharat Singh, PS Uttam Nagar.

CORAM**HON'BLE MR JUSTICE AMIT MAHAJAN****JUDGMENT**

1. The present petition is filed challenging the order dated 20.11.2006 (hereafter '**impugned order**') passed by the learned Metropolitan Magistrate ('**MM**'), Rohini Courts, Delhi, rejecting the cancellation report and summoning the petitioners under Sections 306/34 of the Indian Penal Code, 1860 ('**IPC**') in FIR No. 690/2002 dated 15.09.2002 registered at Police Station Uttam Nagar.



2. The FIR was registered at the instance of the complainant, namely– Vijay K Jha, who is the father of the deceased. The marriage between the deceased (husband of Petitioner No. 1) and Petitioner No. 1 was solemnised on 05.06.2002. It is alleged that the deceased committed suicide on 14.09.2002, due to continuous harassment at the hands of Petitioner No. 1 and her family members. He left behind a suicide note, wherein he has named the petitioners and has written that they lodged a false complaint against him in CAW Cell and also threatened to beat him and falsely implicate him and his family members in frivolous cases with the help of Police officers and politicians who are well-acquainted with them.

3. After completion of investigation, a cancellation report was filed by the Investigating Officer, against which a protest petition came to be filed by the complainant claiming that the investigating officers were hand in glove with the accused persons.

4. The learned MM while passing the impugned order observed that the suicide note contains specific allegations of harassment against the petitioners, which led the deceased to take such a drastic step. It was observed that at the stage of taking cognizance, the magistrate only has to decide whether there were sufficient grounds to proceed against the accused persons and not whether there is sufficient ground for conviction.

5. It is the case of the petitioners that they have falsely been implicated in the present case at the instance of the complainant. It is stated that after a few days of marriage between Petitioner No. 1 and



the deceased, the in-laws of Petitioner No. 1, including the complainant, started harassing her on the pretext of dowry, to repay certain loans taken by them. It is stated that on 29.07.2002, Petitioner No. 2, who is the elder brother of Petitioner No. 1, lodged a complaint against the family members of the deceased, at CAW Cell, Kirti Nagar, however the said matter was compromised between the parties. In this regard, on 01.08.2002, a statement was given by Petitioner No. 1 to CAW Cell. FIR No. 105/2003 dated 14.02.2003 was thereafter registered against the complainant and his family members under Sections 498A/406/509 of the IPC on a complaint given by Petitioner No. 1.

6. The learned counsel for the petitioners, Ms. Supriya Juneja submitted that the learned MM erred in relying upon the suicide note, which has already been investigated by the Police over a span of 2 years.

7. She submitted that there was no act of instigation on part of the petitioners as required under Section 306 of the IPC, which could amount to either encouraging or inciting the deceased to commit suicide, and therefore the impugned order is not maintainable in law. In this regard, reliance was placed on ***Ramesh Kumar v. State of Chhattisgarh*: (2001) 9 SCC 618; Shikha Gupta v. State (GNCT of Delhi): 2019 SCC OnLine Del 6394; Reena v. State (NCT of Delhi) : 2020 SCC OnLine Del 630; Atul Kumar v. State (NCT of Delhi): 2021 SCC OnLine Del 4107]**

8. She submitted that the suicide note makes it apparent that the



deceased was in severe depression and does not suggest any commission of offence of abetment to suicide. It is submitted that no overt act can be attributed to the petitioners for instigating the deceased to commit suicide.

9. She submitted that even as per the Final Report as well as the ACP/PG Report notes that there is no material on record to show that the deceased was ever summoned by CAW Cell.

10. *Per contra*, the learned counsel for Respondent No. 2 submitted that the impugned order is well reasoned and reflects judicious application of mind.

11. He contended that the facts revealed from the suicide note have never been gone into by the investigating officers in the course of 4 years of delayed investigation. In this regard, he submits that the cancellation report cannot be acted upon as it presents a case of no investigation.

12. It is argued that the contents of the suicide note are in the nature of a dying declaration and that the effect of the same can only be tested at the stage of evidence.

13. He submitted that although the information regarding the unnatural death of the deceased was received by the S.H.O. much earlier, no action was taken to ascertain the actual state of affairs.

14. He further submitted that the facts purporting to constitute evidence in the FIR filed by Petitioner No. 1 under Sections 498 A of the IPC, are relevant to ascertain that the petitioners instigated the deceased to commit suicide, and therefore the present petition is liable



to be dismissed.

Analysis

15. The petitioners have invoked the inherent jurisdiction of this Court seeking quashing of the impugned summoning order dated 20.11.2006 and the consequential proceedings arising therefrom. While this Court needs to exercise restraint in stifling prosecution, however, the inherent jurisdiction can be exercised if it is found that the continuance of criminal proceedings would be a clear abuse of process of law. The Hon'ble Apex Court in the case of ***Indian Oil Corporation v. NEPC India Limited and Others: (2006) 6 SCC 736*** has discussed the scope of jurisdiction under Section 482 of the CrPC to quash criminal proceedings. The relevant portion of the same is reproduced hereunder:

“12. The principles relating to exercise of jurisdiction under Section 482 of the Code of Criminal Procedure to quash complaints and criminal proceedings have been stated and reiterated by this Court in several decisions. To mention a few—
Madhavrao Jiwajirao Scindia v. Sambhajirao Chandojirao Angre [(1988) 1 SCC 692 : 1988 SCC (Cri) 234] , State of Haryana v. Bhajan Lal [1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , Rupan Deol Bajaj v. Kanwar Pal Singh Gill [(1995) 6 SCC 194 : 1995 SCC (Cri) 1059] , Central Bureau of Investigation v. Duncans Agro Industries Ltd. [(1996) 5 SCC 591 : 1996 SCC (Cri) 1045] , State of Bihar v. Rajendra Agrawalla [(1996) 8 SCC 164 : 1996 SCC (Cri) 628] , Rajesh Bajaj v. State NCT of Delhi [(1999) 3 SCC 259 : 1999 SCC (Cri) 401] , Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd. [(2000) 3 SCC 269 : 2000 SCC (Cri) 615] , Hridaya Ranjan Prasad Verma v. State of Bihar [(2000) 4 SCC 168 : 2000 SCC (Cri) 786] , M. Krishnan v. Vijay Singh [(2001) 8 SCC 645 : 2002 SCC (Cri) 19] and Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque [(2005) 1 SCC 122 : 2005 SCC (Cri) 283] . The principles, relevant to our purpose are:



(i) A complaint can be quashed where the allegations made in 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 the case alleged against the accused.

For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with mala fides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.....”

(emphasis supplied)

16. It is the case of the prosecution that the deceased was subjected to taunts and harassment at the hands of the petitioners. The suicide note left behind by the deceased specifically names the petitioners and attributes to them, acts of humiliation, threats of false implication in criminal cases, and pressure exerted through their influence with police officers and politicians.

17. The complainant, who is the father of the deceased, has alleged that the deceased was left with no alternative but to end his life on account of persistent mental torture meted out by the petitioners. According to him, soon after the marriage between Petitioner No. 1 and the deceased, disputes arose, and the petitioners allegedly weaponised the criminal process by lodging complaints at the CAW Cell to falsely implicate the deceased and his family.



18. It is further the allegation that the petitioners threatened to subject the deceased and his family members to false cases and physical assault. As per the complainant, these threats were mentioned in the suicide note, which stands as a dying declaration of the deceased. It is alleged that the investigating agency failed to take note of these material facts, and therefore the cancellation report filed by them was nothing but a device to shield the accused.

19. The complainant relied upon the pendency of FIR No. 105/2003 lodged by Petitioner No. 1 against the family members of the deceased under Sections 498A/406/509 IPC, contending that this sequence of events reinforces the deceased's assertion in the suicide note that he was being threatened and dragged into false criminal cases. Thus, it is the case of the complainant that the petitioners, by their conduct, created circumstances that drove the deceased to commit suicide.

20. Section 306 of the IPC reads as under:

“Section 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.”

21. A bare reading of the above provision would demonstrate that for an offence under section 306 of IPC, there are twin requirements, namely, suicide and abetment to commit suicide.

22. The Hon'ble Apex Court in the case of ***Randhir Singh v. State of Punjab*** : (2004) 13 SCC 129 observed as under:

“12. Abetment involves a mental process of instigating a person or intentionally aiding that person in doing of a thing. In cases of conspiracy also it would involve that mental process of entering into conspiracy for the doing of that thing.



More active role which can be described as instigating or aiding the doing of a thing is required before a person can be said to be abetting the commission of offence under Section 306 of IPC.”

23. Allegations against the petitioners of harassing the deceased everyday and lodging false complaints against him and his family sans the allegation of instigation to commit suicide, would not be sufficient to allege the offence under Section 306 of the IPC against the accused persons. The Hon'ble Supreme Court in case of ***Geo Verghese v. The State of Rajasthan :2021 SCC OnLine SC 873***, while quashing FIR under Section 306 of IPC, has observed thus:

“30. If, a student is simply reprimanded by a teacher for an act of indiscipline and bringing the continued act of indiscipline to the notice of Principal of the institution who conveyed to the parents of the student for the purposes of school discipline and correcting a child, any student who is very emotional or sentimental commits suicide, can the said teacher be held liable for the same and charged and tried for the offence of abetment of suicide under Section 306 IPC.”

24. In accordance with Section 306 of the IPC, whoever abets in the commission of suicide would be liable for abetment of suicide. Further, for there to be ‘abetment’ as per Section 107 of the IPC, the person abetting in the commission of the act has to ‘instigate’ any person to commit any act, ‘engage with one or more persons for the doing of the act’, or ‘intentionally aid’ in the doing of the act.

25. The Hon'ble Apex Court in the case of ***Shenbagavalli and Ors v. The Inspector Of Police, Kancheepuram District And Anr. : 2025 INSC 607*** while delineating the ingredients of abetment of suicide



observed as under:

*“15. Section 306 requires a person having committed suicide as a first requirement but for abetment of such commission, which is essential, the ingredients must be found in Section 107 IPC. The requirement of abetment under Section 107 IPC is instigation, secondly engagement by himself or with other person in any conspiracy for doing such thing or act or a legal omission in pursuance to that conspiracy and thirdly intentionally aids by any act or an illegal omission of doing that thing. In large number of judgments of this Court it stands established that the essential ingredients of the offense under Section 306 IPC are (i) the abetment; (ii) intention of the accused to aid and instigate or abet the deceased to commit suicide. **Merely because the act of an accused is highly insulting to the deceased by using abusive language would not by itself constitute abetment of suicide. There should be evidence suggesting that the accused intended by such act to instigate the deceased to commit suicide.**”*

(emphasis supplied)

26. From a perusal of the material on record, it is apparent that no *prima facie* case under Section 306 of the IPC was made out against the petitioners. The genesis of the present case stems from the suicide note authored by the deceased wherein the deceased has alleged that he was harassed and tortured at the hands of the petitioners in to false implication in cases, through their influence with police officers and politicians.

27. The suicide note further indicates that the deceased and his wife were in a strained relationship. From a perusal of the suicide note, it is apparent that while the same reflects the anguish that the deceased faced in his matrimonial life, the same however fails to disclose any instigation or intentional aid on the part of the petitioners to lead the deceased to commit suicide. Further, there is no mention of any act on the part of the accused persons or any specific allegations against any



accused persons to constitute instigation for the purpose of commission of the suicide.

28. The suicide note only indicates that the deceased has recorded feelings of acute harassment, fear and despair and has named the petitioners as persons who repeatedly threatened him and caused him mental torture. The note primarily shows allegations of false complaints lodged at the CAW Cell, threats of physical violence and references to the accused persons purported political and police influence. These averments, while relevant to the deceased's state of mind, do not in themselves record any overt act of inducement by the petitioners that would, on their face, amount to instigation to commit suicide.

29. The contents of the FIR also fail to indicate any active or direct act on the part of the petitioners that can be said to have compelled the deceased to commit suicide. In order to attract the offence under Section 306 of the IPC, there ought to be evidence to suggest that the accused persons by such acts intended to instigate the deceased to commit suicide [Ref: *Shenbagavalli and Ors v. The Inspector Of Police, Kancheepuram District And Anr.*(supra)]

30. The investigating agency recorded statements of several witnesses and examined the allegations of dowry, household discord, and the financial liabilities of the deceased's family. Despite this, the investigation concluded that there was no instigation or conspiracy on the part of the petitioners to drive the deceased to commit suicide.

31. The allegations forming part of the statement of the



complainant, father of the deceased, primarily related to the alleged misbehaviour of the deceased's wife, and her relatives, including instances of domestic quarrels, humiliation of the family in front of neighbours, threats of false implication in dowry cases, and exertion of pressure to transfer the family house. It was alleged that the deceased, being sensitive and unable to withstand such mental stress, ultimately took his life. The Investigating Officer, however, upon examining the complaints, witnesses, and circumstances, filed a Final/ Cancellation Report stating that no material had emerged to establish the essential ingredients of the offence under Section 306 of the IPC against the petitioners, and that the allegations, even if taken at face value, did not disclose any instigation, intentional aid, or abetment leading to the suicide.

32. The report further notes that the strained matrimonial relationship and financial burden on the deceased's family created pressure within the household, but there is no evidence that the petitioners abetted the deceased to end his life. It is also pertinent to note that there is no record of the deceased ever being summoned by the CAW Cell. Thus, the Cancellation Report makes it apparent that continuation of proceedings against the petitioners would be wholly unwarranted, as the fundamental requirement of abetment under Section 306 IPC is absent.

33. This Court is of the opinion that mere allegations or complaints made by a spouse, even if ultimately found false, cannot by themselves amount to instigation, abetment, or intentional aid to



commit suicide. [Ref: **Reena v. State (NCT of Delhi)**(*supra*)]

34. In **Ramesh Kumar v. State of Chhattisgarh**(*supra*), the Hon'ble Apex Court, while setting aside the conviction of the appellant under Section 306 of the IPC, held that to attract conviction under the said provision, there must be proof of abetment as defined in Section 107 of the IPC, that is, instigation, conspiracy, or intentional aiding in the commission of suicide. It was observed as under:

"21. In State of W.B. v. Orilal Jaiswal [(1994) 1 SCC 73 : 1994 SCC (Cri) 107] this Court has cautioned that the court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end her life by committing suicide. If it transpires to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty."

35. In **Shikha Gupta v. State (GNCT of Delhi) : 2019 SCC OnLine Del 6394**, the case arose after the petitioner's husband committed suicide, leaving behind a note blaming his family members, including the petitioner, for leaving him with no option but to end his life. This Court reiterated that, to constitute abetment under Section 306 of the IPC, there must be a proximate and live link between the accused's conduct and the act of suicide, and that mere allegations of cruelty or strained relations are insufficient to attract the provision. It was further observed that continuance of criminal



proceedings in such circumstances would serve no useful purpose and would only prolong the agony of both sides, and accordingly, the petitioner was discharged of the offence under Section 306 IPC.

36. It is therefore settled that the reason to commit suicide cannot be equated with abetment to suicide. A conduct of a person can be a reason for the victim to take his life but in the absence of active investigation, the said conduct cannot be termed as abetment.

37. The Hon'ble Apex Court in the case of *Pepsi Foods Ltd. v. Special Judicial Magistrate : (1998) 5 SCC 749*, underscored that summoning an accused is a serious matter and cannot be done mechanically. It was held that while the Magistrate retains the power to discharge the accused at any stage if the charge appears to be without any merit, the accused is not precluded from invoking the High Court's inherent jurisdiction under Section 482 of the CrPC. It was observed as under:

"27. We have not been able to understand as to why it was necessary for the appellants to implead the first respondent as a party to the proceedings. There are no allegations of personal bias against the presiding officer. A court is not to be equated with a tribunal exercising quasi-judicial powers. We would, therefore, strike out the name of the first respondent from the array of the parties.

*28. **Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused.** It is not that the Magistrate is a silent spectator at the time of recording of preliminary*



evidence before summoning of the accused. The Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.

29. No doubt the Magistrate can discharge the accused at any stage of the trial if he considers the charge to be groundless, but that does not mean that the accused cannot approach the High Court under Section 482 of the Code or Article 227 of the Constitution to have the proceeding quashed against him when the complaint does not make out any case against him and still he must undergo the agony of a criminal trial.....”

(emphasis supplied)

38. In view of the aforesaid discussion, the impugned order passed by the learned MM is set aside and the summons issued against the petitioners under Sections 306/34 of the IPC are hereby quashed.

39. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 17, 2025
‘DR’