THE LAW LEDGER

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"Mere use of insulting remarks like 'Impotent', though hurtful, cannot itself be construed as sufficient provocation for abetment of suicide"

- The Supreme Court of India.



Shenbagavalli and Ors. .....PETITIONER

Versus

Inspector of Police, Kancheepuram Dist. & Anr...RESPONDENTS

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CRIMINAL APPEALS NO. 4268–4269 of 2024
Date of Judgement: 30/04/2025



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FACTS OF THE CASE:

The case revolves around the tragic suicide of Dinesh, a qualified engineer, who had married Ms. Pushpakalashree, an MBA graduate. Shortly after their marriage, discord began to surface between the couple. It is alleged that on 10.11.2013 the relatives of Ms. Pushpakalashree (Accused Nos. 1 to 6) visited the residence of the deceased and engaged in a heated altercation. They allegedly hurled abuses at Dinesh and his family, using offensive and degrading language, including remarks impugning Dinesh's manhood. Following this incident, Pushpakalashree (Accused No. 7) left with her relatives for her parental home.

The prosecution contends that Dinesh was subjected to continuous harassment by all seven accused during this period, which allegedly drove him into a state of depression and ultimately led to his suicide.

Initially, a case was registered under Section 174 of the CrPC (194 of BNSS), based on a complaint by Dinesh's younger brother. During the investigation, the deceased's mother produced torn pages of a diary purportedly written by Dinesh, containing a suicide note narrating his harassment. This led to the conversion of the case into one under Section 306 IPC (108 of BNS). A chargesheet was filed and committed to the Court of Sessions. Thereafter, the appellants approached the High Court under Section 482 CrPC (528 of BNSS) seeking quashing of the chargesheet, primarily on the grounds that even taking the suicide note at face value, no offence under Section 306 IPC (108 of BNS) was made out. The High Court, however, dismissed the petition, which led to the filing of the present appeals before the Supreme Court.

ISSUES ADVANCED:

Whether the alleged act of insulting the deceased by calling him "impotent" and making derogatory remarks, without any subsequent or proximate instigation, can constitute abetment to suicide under Section 306 IPC (108 of BNS)?



JUDGEMENT

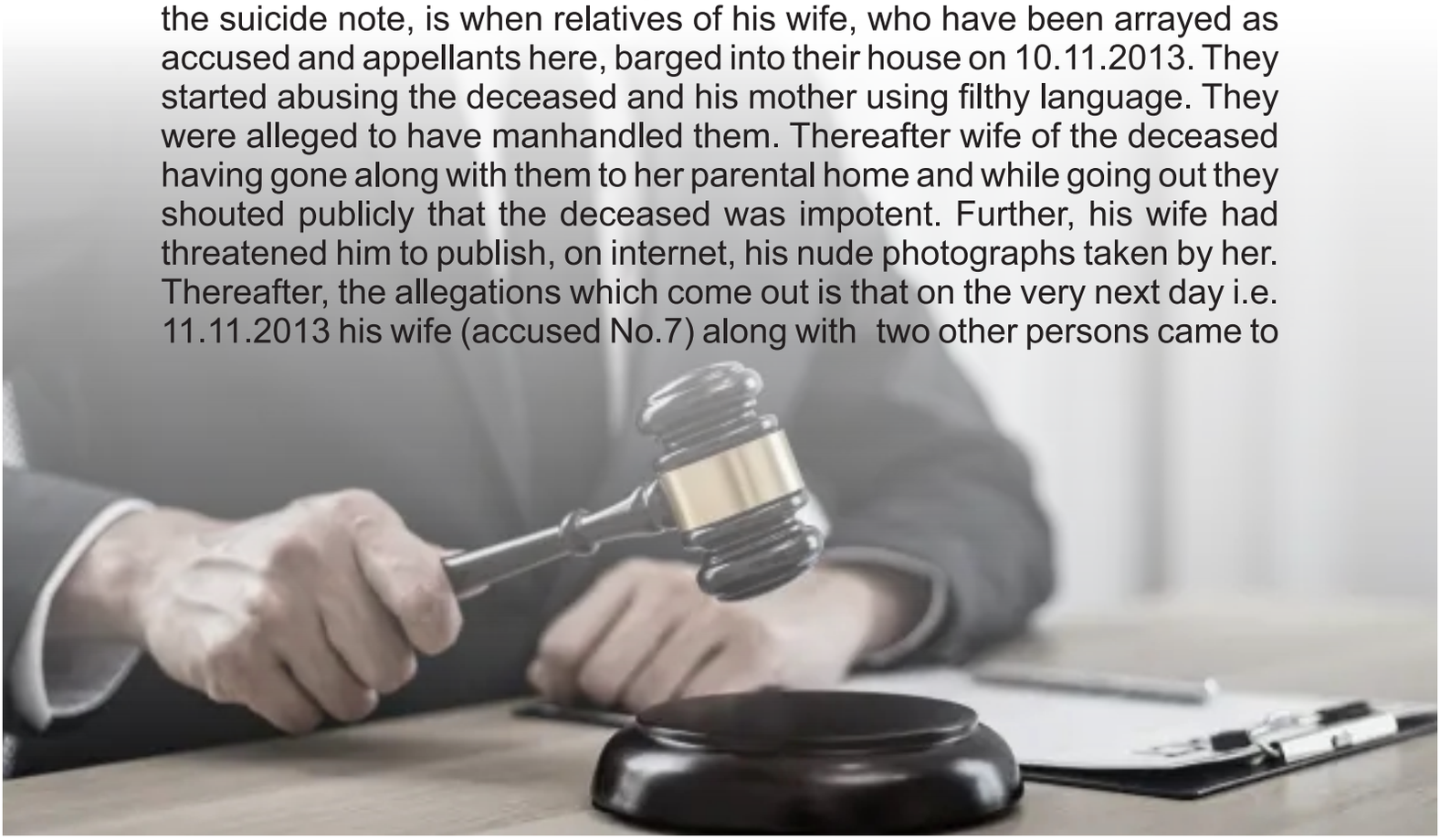
In this case, the Supreme Court allowed the appeals and quashed the criminal proceedings under Section 306 IPC (108 of BNS). In doing so, the Court undertook a careful examination of the suicide note, the timeline of events, and the legal requirements for establishing abetment under Section 306 IPC (108 of BNS). It emphasized that not every offensive or insulting remark can amount to abetment unless it satisfies the legal test of instigation or intentional aid, as defined under Section 107 IPC (45 of BNS). The Court's observations in the following paragraphs illustrate this legal reasoning and its application to the facts of the case.

The Court noted the content and timing of the suicide note and observed the lack of proximity and instigation necessary to constitute abetment:

The Hon'ble Court observed as under:

Para 12: We have considered the submissions made by the Counsel for the parties and have gone through the pleadings especially the alleged suicide note authored by deceased Dinesh. A perusal of the same would show that only four people have been held responsible for the suicide whose names have been mentioned therein. The primary reason as has been pointed out appears to be the marriage having not worked out between the two i.e. the deceased and Accused No. 7, his wife.

Para 13: The incident which triggered the act of actual suicide according to the suicide note, is when relatives of his wife, who have been arrayed as accused and appellants here, barged into their house on 10.11.2013. They started abusing the deceased and his mother using filthy language. They were alleged to have manhandled them. Thereafter wife of the deceased having gone along with them to her parental home and while going out they shouted publicly that the deceased was impotent. Further, his wife had threatened him to publish, on internet, his nude photographs taken by her. Thereafter, the allegations which come out is that on the very next day i.e. 11.11.2013 his wife (accused No.7) along with two other persons came to

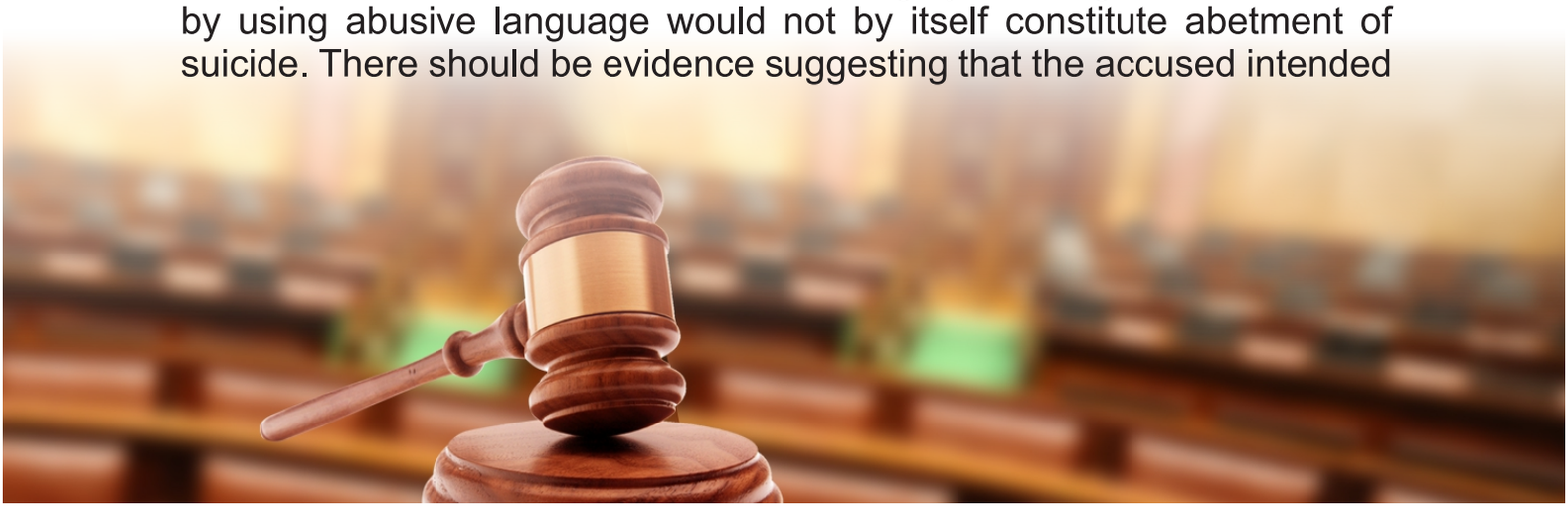


their house for discussion about the incident which had taken place on 10.11.2013 which indicated it to be a well-planned and executed incident to damage the reputation of the family. Allegations regarding illicit relations of his wife and threat of false implication in a dowry case has been highlighted.

Para 14: "What turns out primarily from the sequence of events, statements and the suicide note is that from 11.11.2013 until the actual date of suicide i.e. 09.12.2013 there has been no contact whatsoever either in person or by phone or any other means between the deceased or his relatives and his wife or any of the other accused which would indicate continuous harassment or torture or any sort of pressure at the hands of the accused Appellants on the deceased. Therefore, there is no proximity of any harassment or instigation prior to the incident of suicide having taken place. Otherwise also the contents of the FIR do not in itself indicate any active or direct act which can be said to have led the deceased to commit suicide leaving him no option but to push the deceased into a position that he committed suicide. From the suicide note, no abetment can be said to have been established that the accused instigated the deceased or there being any persistent cruelty or harassment which would make out an offence of abetment of suicide..."

Clarifying the requirements under Section 306 IPC (108 of BNS) and its connection to Section 107 IPC (45 of BNS), the Court held:

Para 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



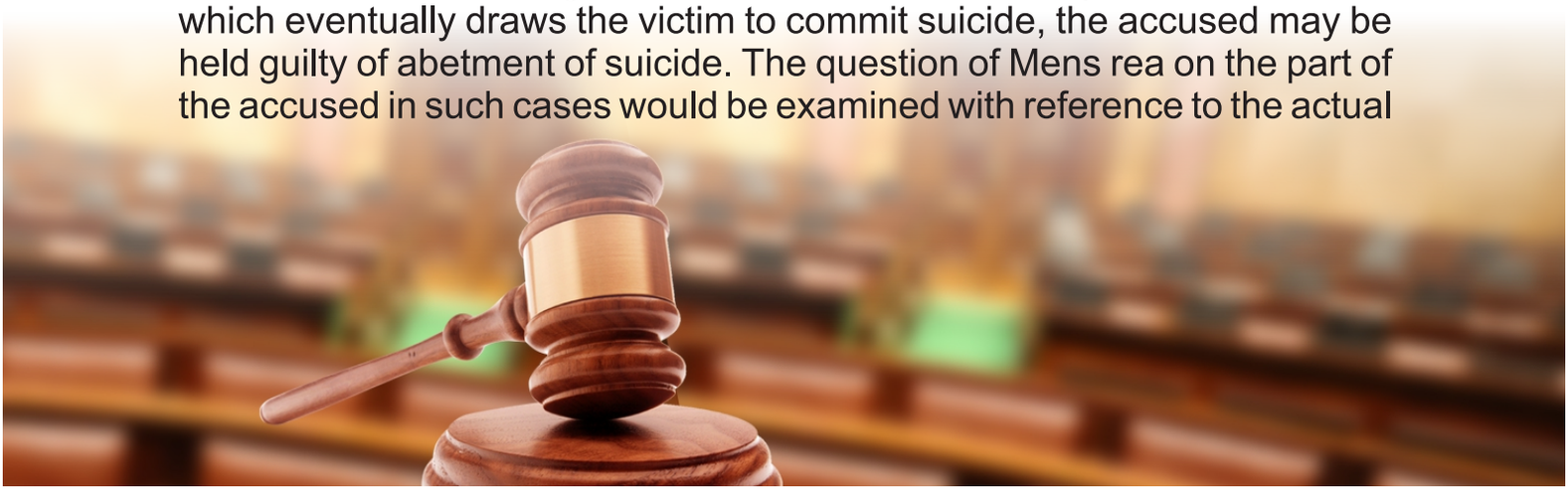
by such act to instigate the deceased to commit suicide. (M. Arjunan V. State represented by its inspector of Police)"

The Court then elaborated on precedents and psychological aspects relating to suicide and abetment:

Para 16: Similarly, in the case of Ude Singh and Others V. State of Haryana[7], it has been observed in para 16 as follows:

"16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of the accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct, creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of Mens rea on the part of the accused in such cases would be examined with reference to the actual



acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased."

Further, the Hon'ble Court emphasized the absence of Mens rea and abuse of legal process in continuing proceedings:

Para 17: "These being the essential ingredients for the offence of abetment to suicide, and the said ingredients having not been fulfilled, the further continuation of proceedings would not be sustainable. The other evidence such as statements, sought to be relied upon by the prosecution, apart from the suicide note, does not in any manner advance the case of the prosecution, particularly when the foundation of the case is the suicide note itself. With the very element of abetment conspicuously absent from the allegations made in the FIR, which is primarily based upon the suicide note, the essential requirements for constituting an offence under Section 306 IPC remain unfulfilled. As such, the continuation of the criminal proceedings initiated against the Appellants would amount to an abuse of the process of law..."

Invoking its inherent powers under Article 142 read with Section 482 Cr.P.C. (528 of BNSS), the Court concluded as under:

Para 18: "The Court would not hesitate to exercise its extraordinary powers which are inherent to quash such proceedings when it comes to fore, and the Court is satisfied that allowing the proceedings to continue would be an abuse of process of Court or that the ends of the justice require that the proceedings ought to be quashed. Reference in this regard may be made to the Judgment of this Court in Geo Varghese V. State of Rajasthan and Another."

Finally, In the light of the above findings, the Hon'ble Court allowed the appeal and quashed the impugned Judgment dated 13.04.2018 passed by the High Court and set aside. The Proceedings pending in the matter before the Assistant Sessions Judge, Kanchipuram, were also quashed and set aside.

