

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

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**Criminal Petition No.222 OF 2019**

Between:

Katakam Nagarjuna @ Nani

... Petitioner

And

Parimi Chiranjeevi and another

..Respondents/Complainant

DATE OF JUDGMENT PRONOUNCED :18.11.2023

Submitted for approval.

**THE HON'BLE SRI JUSTICE K.SURENDER**

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments?   | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals       | Yes/No |
| 3 | Whether Their Ladyship/Lordship Wish to see their fair copy of the Judgment? | Yes/No |

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*K.SURENDER, J*

**\* THE HON'BLE SRI JUSTICE K. SURENDER**

**+ CRL.P. No.222 of 2019**

% Dated 18.11.2023

# Katakam Nagarjuna @ Nani ... Petitioner

And

\$ Parimi Chiranjeevi and another ... Respondents/Complainant

**! Counsel for the Petitioner:** Sri Kiran Palakurthi

**^ Counsel for the Respondents:** Public Prosecutor for R2

**>HEAD NOTE:**

**? Cases referred**

<sup>1</sup> (2001) 9 Supreme Court Cases 618

<sup>2</sup> (2020) 15 Supreme Court Cases 359

(2010) 12 SCC 190

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION NO.222 OF 2019****ORDER:**

1. This Criminal Petition is filed to quash the proceedings against petitioner/A2 in S.C.No.447 of 2017 pending on the file of VII Additional Senior Civil Judge, R.R.District at L.B.Nagar.
2. The case of the prosecution is that two girls namely Mounika and Soumya committed suicide by leaving suicide notes. On the basis of the same, police investigated into deaths of both the girls and laid charge sheets against this petitioner arraying him as A2 and four others.
3. According to the prosecution case, the deceased girl namely Mounika and this petitioner were having affair and in love with one another. They decided to marry. However, parents of the petitioner reprimanded him and marriage could not take place since the petitioner and the deceased girl Mounika belong to two different castes. They were together for a period of three years and also had physical relationship. A1 was aware of the said affair between A2 and the deceased Mounika and wanted to break their affair. In the month of April, 2016, the petitioner was engaged to someone else. Then the petitioner obtained bond from Mounika wherein she

assured that she will not give any trouble to the petitioner and will not create any problems with regard to their earlier relationship. A1 signed on the bond as a witness. Then A1 took advantage of the breakup in between this petitioner and Mounika and became friendly with Mounika as both A1 and Mounika belong to same Brahmin caste. A1 proposed and wanted to marry her. A1 maintained an affair and had physical relationship with the deceased Mounika. Meanwhile, the petitioner's parents performed the marriage of the petitioner with another girl. On 04.08.2016, unable to bear the situation, the deceased Mounika committed suicide by leaving suicide note, which is extracted hereunder:

“Problems ni face cheyaleka pothunna-Kamesh nannu chala torture chestunnadu-I cant able to bare. Kamesh is a big sadist he is a fraud he breaked me with my lover-my lover is more than my life to me-this Kamesh entered my life saying bad about my lover-and now, within few days my lover is getting married-I loved him more than my life. The main reason of my death is Kamesh he blackmailed me like hell and I cant live without my lover-I love you nani love you forever and Am Sorry-Every one.

Missing you All-Mounika Nagarjuna

This is my last kiss to my lover (Nani)

My last wish is to punish Kamesh for blackmailing me. He tortured me like hell and want a smile from parents and my and my lover Nagarjuna lover was innocent don't involve him in this issue

--Mounika Nagarjuna

Good Bye Every one and forgive me.

Love you Nani missing a lot”

4. The second deceased namely Soumya also committed suicide leaving behind a suicide note. However, the suicide note is not

germane for deciding the present application since the deceased Soumya had nothing to do with the petitioner herein and she committed suicide for the reason of being ill-treated by her guardians.

5. The police after investigating the case filed charge sheet against this petitioner and four others.

6. Learned counsel appearing for the petitioner would submit that even according to the suicide note, this petitioner did not commit any act of either inciting or instigating the deceased to commit suicide. In fact, she expressed that she was in deep love with this petitioner and A1 was a sadist and fraud. In the said suicide note also, her last wish was to punish A1 for blackmailing her and torturing her. She also stated that this petitioner was innocent and not to involve him in the issue. Counsel relied on the following Judgments.

7. The Hon'ble Supreme Court in the case of **Ramesh Kumar v.**

**State of Chhattisgarh**<sup>1</sup> held as follows:

*“22. Sections 498-A and 306 IPC are independent and constitute different offences. Though, depending on the facts and circumstances of an individual case, subjecting a woman to cruelty may amount to an offence under Section 498-A and may also, if a course of conduct amounting to cruelty is established leaving no other option for the woman except to commit suicide, amount to abetment to commit suicide. However, merely because an accused has been held liable to be punished under Section 498-A IPC it does not follow that on the same evidence he must also and necessarily be held guilty of having abetted the commission of suicide by the*

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<sup>1</sup> (2001) 9 Supreme Court Cases 618

woman concerned. Evidential value of the two writings contained in diary, Article A is that of dying declarations. On the principle underlying admissibility of dying declaration in evidence that truth sits on the lips of a dying person and the court can convict an accused on the basis of such declaration where it inspires full confidence, there is no reason why the same principle should not be applied when such a dying declaration speaking of the cause of death exonerates the accused unless there is material available to form an opinion that the deceased while making such statement was trying to conceal the truth either having been persuaded to do so or because of sentiments for her husband. The writing on p. 11 of diary (Article A) clearly states that the cause for committing suicide was her own feeling ashamed of her own faults. She categorically declares — none to be held responsible or harassed for her committing suicide. The writing on p. 12 of diary (Article A) clearly suggests that sometime earlier also she had expressed her wish to commit suicide to her husband and the husband had taken a promise from her that she would not do so. On the date of the incident, the husband probably told the deceased that she was free to go wherever she wished and wanted to go and this revived the earlier impulse of the deceased for committing suicide. The dying declaration Ext. P-10 corroborates the inference flowing from the two writings contained in the diary and as stated hereinabove. The conduct of the accused trying to put off the fire and taking his wife to the hospital also improbabilises the theory of his having abetted suicide.”

8. In **Rajesh v. State of Haryana**<sup>2</sup>, the Hon’ble Supreme Court held as follows:

“9. Conviction under Section 306 IPC is not sustainable on the allegation of harassment without there 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. In order to bring a case within the purview of Section 306 IPC, there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC.”

9. In **S.S.Chheena v. Vijay Kumar Mahajan and another**<sup>3</sup>, the Hon’ble Supreme Court held as under:

“25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide,

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<sup>2</sup> (2020) 15 Supreme Court Cases 359

<sup>3</sup> (2010) 12 SCC 190

*conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear means rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide. ”*

10. On the other hand, it was argued on behalf of the respondents that the petitioner had relationship with the said Mounika and after break up, she had committed suicide. The name of the petitioner is mentioned in the suicide note. Though nothing specific is mentioned in the suicide note, the consequence of the death was the engagement/ marriage of this petitioner, as such, petitioner has to face trial.

11. Considering the facts of the case and also the suicide note left by the deceased No.1-Mounika, it appears that she was in love with this petitioner. Suicide note specifically states that A1 was a sadist and fraud. The deceased did not make any allegations against the petitioner. However, she stated that she loved this petitioner more than her life and at the end she has written as ‘Mounika Nagarjuna’. Nagarjuna is the name of this petitioner. It shows that there was no grievance against this petitioner at any point of time and she wanted the petitioner’s name to be part of her name. The suicide note specifically states that A1 entered into her life saying bad things about this petitioner. She loved this petitioner more

than her life and the main reason for committing suicide is blackmailing by A1.

12. To attract offence under Section 306 of IPC, there should be instigation and incitement to commit the act of suicide. The said acts may be specifically directed against the person committing suicide or creating such circumstances whereby person committing suicide is forced to take such extreme step.

13. There is nothing on record to remotely suggest that the extreme step of committing suicide by deceased-Mounika is a consequence of any deliberate acts of this petitioner. Admittedly, this petitioner and the deceased-Mounika separated ways and thereafter there was an alleged affair with A1.

14. For the above discussed reasons, this Court deems it appropriate to quash the proceedings against the petitioner/A2 in S.C.No.447 of 2017 pending on the file of VII Additional Senior Civil Judge, R.R.District at L.B.Nagar.

15. Criminal Petition is allowed. Consequently, miscellaneous applications, if any, shall stand dismissed.

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**K.SURENDER, J**

Date: 18.11.2023

Note: LR copy to be marked.

B/o.kvs



**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION NO.222 OF 2019**

**Dt. 18.11.2023**

kvs