

***HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA***

**CRIMINAL PETITION No.4207 of 2021**

**ORDER:**

Projecting that the proceedings initiated against her are unsustainable in the eye of law and thereby, seeking the Court to quash the said proceedings, the petitioner is before this Court. The proceedings sought to be quashed are in S.C.No.312 of 2018 which is pending before the Court of Senior Civil Judge, Jagtial. The petitioner is arrayed as accused No.2 in the said Sessions Case.

2. Heard Sri Moshe Marpu, learned counsel for the petitioner, learned Assistant Public Prosecutor representing respondent No.1 and Sri T.B.B.Krishna Mohan, learned counsel appearing for respondent No.2-defacto complainant.

3. On the ground that the petitioner along with accused No.1 committed offence punishable under Section 306 read with Section 34 IPC, a charge sheet is laid and the proceedings are pending before the Court concerned.

4. Making his submission, the learned counsel for the petitioner contended that the petitioner has not committed any offence whatsoever and indeed, the petitioner and accused No.1 fell in love with each other and both of them decided to marry, but the same was not liked by the deceased-Bandari Srilaxmi (hereinafter be referred to as “the deceased” for the sake of convenience of discussion), who is the relative of accused No.1. Learned counsel further states that the deceased pressurized accused No.1 to marry her, but as he was already in love with the petitioner/accused No.2, he conveyed the same and refused to marry her. The deceased continued to pressurize accused No.1 to marry her, but accused No.1 gently conveyed his refusal time and again indicating the same ground that he intends to marry petitioner/accused No.2 whom he loves and that, the deceased who could not digest the same, committed suicide. Learned counsel further states that in the entire episode, petitioner/accused No.2 has no role to play, but Police implicated her in the criminal case and thus,

continuation of the criminal proceedings against her is unwarranted.

5. The submission of the learned Assistant Public Prosecutor is that though it is a fact that the petitioner/accused No.2 and accused No.1 were in love with each other, yet they ought to have conveyed the same to the deceased in a gentle manner, but as they conveyed the same time and again in a rude and harsh manner to the deceased, feeling insulted, she committed suicide.

6. The submission of the learned counsel for respondent No.2 is that only on receiving the information that the deceased committed suicide by hanging, respondent No.2, who is the Deputy Warden of the hostel, gave a complaint to Police.

7. The facts of the case in capsule, as could be perceived through the contents of the charge sheet, are that the deceased joined through lateral entry in B.Tech II year in JNTUH CEJ College, Nachupalli. She was staying at Sharada Girls Hostel located within the premises of the

said college. Accused No.1 is the brother-in-law of the deceased. Accused No.1 and the petitioner who were in love with each other wanted to get married. On 27.10.2017, while the deceased was at her hostel room, both of them made phone call to the deceased and stated that they are in love. There was a verbal altercation between them. Accused No.1 refused to marry the deceased. He further humiliated the deceased by stating that she has become a hurdle for their marriage and scolded by stating that if she dies, they would get married. On hearing that, the deceased cried and she informed the matter to her roommates. Frustrated over her life, on 28.10.2017, she, in the absence of her roommates, bolted the room from inside and committed suicide by hanging.

8. Arguing at length that the facts if taken on their face value to be true and correct would not attract the provision of Section 306 IPC, learned counsel for the petitioner contended that the petitioner has not committed any offence whatsoever and indeed, it is accused No.1 who had indicated to the deceased that he

is in love with the petitioner/accused No.2 and Police have not collected any material whatsoever to connect the petitioner/accused No.2 with the crime. Learned counsel further states that even if it is presumed that accused No.2 telephoned to the deceased and informed that she is in love with accused No.1 that does not mean that she has instigated the deceased to commit suicide and Police even did not collect any call data to show that the petitioner/accused No.2 made a phone call to the deceased, conversed with her and instigated her to commit suicide.

9. A perusal of record reveals that Police cited 16 witnesses for examination before the Court of law to establish the case. Out of those witnesses, 1<sup>st</sup> witness is the defacto complainant, 2<sup>nd</sup> and 3<sup>rd</sup> witnesses are the roommates, 4<sup>th</sup> witness is the classmate, 5<sup>th</sup> and 6<sup>th</sup> witnesses are the uncles and 7<sup>th</sup> witness is the mother of the deceased. Rest of the witnesses are photographers, panch witnesses, the doctor, who conducted autopsy over the dead body of the deceased, and the Investigating Officer. Thus, out of those seven material witnesses, the

first witness only stated that on knowing about the incident, she approached the Police and presented a complaint. 2<sup>nd</sup> and 3<sup>rd</sup> witnesses, who are the roommates of the deceased, gave statement to the effect that the deceased informed them that accused No.1 refused to marry her. Same is the case with the 4<sup>th</sup> witness who is the classmate of the deceased. The uncles of the deceased i.e., 5<sup>th</sup> and 6<sup>th</sup> witnesses also gave statements to the effect that they were informed by the deceased that accused No.1 and the petitioner made phone call to her and accused No.1 informed that he will not marry her and he will marry the petitioner/accused No.2 only and further, they threatened her to do what she likes and also stated that if she dies, they would marry. Even the mother of the deceased gave statement to the same effect and stated that when the deceased informed her about the said fact, she consoled her.

10. Thus, in none of the statements of the above witnesses, it is revealed that accused No.1 at any time promised the deceased to marry her and that, he broke the promise thereafter.

11. Making a submission that in the circumstances like this, the question of abetment to commit suicide cannot be presumed and no charge sheet can be laid for the said offence, the learned counsel for the petitioner relied upon the decision of the Hon'ble Apex Court in the case between **Geo Varghese Vs. The State of Rajasthan and another<sup>1</sup>**, wherein the Court while dealing with the case where a boy committed suicide due to reprimand by his teacher at paras 27 to 31 of the judgment held as under:-

“27.It is a solemn duty of a teacher to instill discipline in the students. It is not uncommon that teachers reprimand a student for not being attentive or not being upto the mark in studies or for bunking classes or not attending the school. The disciplinary measures adopted by a teacher or other authorities of a school, reprimanding a student for his indiscipline, in our considered opinion, would not tantamount to provoking a student to commit suicide, unless there are repeated specific allegations of harassment and insult deliberately without any justifiable cause or reason. A simple act of reprimand of a student for his behaviour or indiscipline by a teacher, who is under moral obligations to inculcate the good

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<sup>1</sup> 2021 SCC Online SC 873

qualities of a human being in a student would definitely not amount to instigation or intentionally aid to the commission of a suicide by a student.

28. 'Spare the rod and spoil the child' an old saying may have lost its relevance in present days and Corporal punishment to the child is not recognised by law but that does not mean that a teacher or school authorities have to shut their eyes to any indiscipline act of a student. It is not only a moral duty of a teacher but one of the legally assigned duty under Section 24 (e) of the Right of Children to Free and Compulsory Education Act, 2009 to hold regular meetings with the parents and guardians and apprise them about the regularity in attendance, ability to learn, progress made in learning and any other act or relevant information about the child.

29. Thus, the appellant having found the deceased boy regularly bunking classes, first reprimanded him but on account of repeated acts, brought this fact to the knowledge of the Principal, who called the parents on telephone to come to the school. No further overt act has been attributed to the appellant either in the First Information Report or in the statement of the complainant, nor anything in this regard has been stated in the alleged suicide note. The alleged suicide note only records insofar as, the appellant is concerned, 'THANKS GEO (PTI) OF MY SCHOOL'. Thus, even the



suicide note does not attribute any act or instigation on the part of the appellant to connect him with the offence for which he is being charged.

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.

31. Our answer to the said question is 'No'."

12. Section 306 IPC prescribes punishment for the offence of abetment of suicide. It reads as under:-

"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."

13. The word "abetment" is defined under Section 107 IPC. It reads as under:-

"Abetment of a thing.—A person abets the doing of a thing, who—

First: Instigates any person to do that thing; or  
Secondly: Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or  
Thirdly: Intentionally aids, by any act or illegal omission, the doing of that thing.”

14. In the case on hand, this Court does not find any instigation of the deceased by the petitioner/accused No.2 to commit suicide. As earlier discussed, there is no material on record to show that the petitioner had at any point of time contacted the deceased over phone or directly and did such acts which abetted the deceased ultimately to commit suicide.

15. In the absence of any instigation to do a thing or presence of criminal conspiracy or intentional aid for doing a thing, one cannot be held to have abetted another. If such an abetment is absent, the consequent acts cannot be tagged to the alleged abettor.

16. Indicating her intention to marry with accused No.1, as they both fell in love with each other, to the deceased does not amount that the petitioner has abetted

the deceased to commit suicide. Therefore, this Court is of the view that continuation of proceedings against the petitioner would certainly amount to abuse of process of law.

17. Resultantly, the Criminal Petition is allowed. The proceedings that are pending against the petitioner in S.C.No.312 of 2018 before the Court of Senior Civil Judge, Jagtial, Karimnagar District are hereby quashed.

18. As a sequel, pending miscellaneous applications, if any, shall stand closed.

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***Dr.CHILLAKUR SUMALATHA, J***

30.8.2022

*Note:*

*LR copy to be marked.*

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