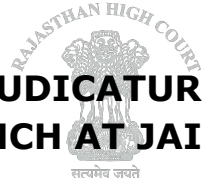




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 5676/2023

Ashish Kumar Sharma S/o Shri Rajendra Prakash Sharma, Age About 41 Years, R/o- B.E.D. College Road, Shiv Mandir Ke Pass, Sakatpura, P.S.- Kunhadi, Kota City, At Present-Meraj House Ke Pass, Durga Nagar, P.S.- Kunhadi, Kota City (Raj.)

-----Petitioner/Accused

Versus

1. State of Rajasthan, through Public Prosecutor
2. Kailash Narayan Sharma S/o Shri Shambhu Dayal Sharma, R/o- 2G17, Mahaveer Nagar, 3, P.S. Mahaveer Nagaar, Kota City (Raj.) -----Respondents

For Petitioner(s) : Mr. Samarth Sharma
For Respondent(s) : Mr. Jitendra Sinnggh Rathore, PP
Mr. R.R. Goyal for
Mr. Shamsuddin Ansari

JUSTICE ANOOP KUMAR DHAND

Order

06/04/2026

Reportable

For convenience of exposition, this judgment is divided in the following parts: -

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The Challenge:-

1. By way of filing the instant petition, a challenge has been led to the entire proceedings of the Criminal Case, i.e. Sessions Case No.52/2023, pending against the petitioner, before the Court of the Additional Sessions Judge, Women Atrocities Cases, No.1, Kota for the offence under Section 306 & 498A IPC and a prayer has been made to quash and set aside the entire proceedings arising out of the aforesaid case.

Submissions by the counsel for the Accused-Petitioner:-

2. Learned counsel for the petitioner submits that an FIR bearing no. 96/2023 was lodged by the complainant-respondent No.2 against the petitioner with the Police Station Kunhadi, District Kota City for the offences punishable under Sections 302 & 498A IPC, wherein, allegations were levelled against him and his entire family to the effect that the petitioner and his family members tortured Heena, daughter of complainant-respondent No.2 for demand of dowry and forced her to commit suicide. Counsel submits that a thorough investigation of the aforesaid FIR was conducted by the Investigating Agency and involvement of the co-accused family members was not found and therefore, charge-sheet was submitted only against the petitioner for the offence under Section 306 & 498A IPC before the Court below, where charges have been framed against the petitioner for the offence under Section 306 & 498A IPC.

3. Counsel Submits that the ingredients of the offence under Section 306 & 498A IPC are missing in the instant case as there is no prima facie evidence available against the petitioner to show that the petitioner ever abetted or instigated his wife-Heena to



commit suicide. Counsel submits that marriage of the petitioner was solemnised with the deceased in the year 2006 and out from their wedlock a daughter [REDACTED], also known as [REDACTED], was born and the age of the daughter is 12 years as of today. Counsel submits that the deceased and the daughter did not share cordial relations and their relationship was strained. The minor daughter of the petitioner was residing separately and the deceased-Heena used to visit the house of their daughter trying to convince her to reside with them, but their daughter used to quarrel with her and refused to accompany her. This fact has also been narrated by the neighbouring witnesses Ranjeet Singh, Smt. Madhu Kanwar and Smt. Sandhya Sharma in their statements recorded under Section 161 Cr.P.C.

4. Counsel further submits that the deceased-Heena was quite happy in the company of the petitioner, as the petitioner fulfilled all her wishes and desires and this fact has also been admitted by the deceased in her two suicide notes which were recovered from the scene of alleged offence. Counsel submits that the handwriting in the aforesaid suicide notes has been verified to be that of the deceased when the same was sent to the Forensic Science Laboratory (for short the "FSL") for analysis.

5. Counsel submits that on account of strained relationship between the mother and daughter, the deceased-Heena committed suicide on 10.02.2023, but prior to commission of suicide, a detailed telephonic conversation took place between the petitioner and the deceased, wherein, the deceased has used filthy language against her minor daughter. Counsel submits that looking to the aforesaid conduct of their minor daughter and the





strained relationship between mother-daughter, the petitioner and the deceased-Heena jointly made a decision to have one more child i.e., after 12 years of the birth of their first child but the pregnancy remained unsuccessful and the unborn child passed away in the fetus and the said miscarriage took place just two days before the incident.

6. Counsel further submits that suffering from depression, due to the strained relationship between the deceased-Heena and their daughter-XXXXXXXXXX, she had committed suicide. Lastly, he argued that even in the statements of the complainant-respondent No.2, this fact has come on the record that the deceased-Heena was alright when a conversation took place between her and her father on the fateful day, wherein she did not make any complaint against the petitioner.

7. Counsel submits that in view of the submissions made hereinabove, no offence under Section 306 & 498A IPC is made out against the petitioner.

8. In support of his contentions, he has placed reliance upon the following judgments:-

"1. Mahendra Awase Vs. The State of Madhya Pradesh reported in **(2025)4 SCC 801**

2. S.S. Chheena Vs. Vijay Kumar Mahajan and Anr. reported in **(2010) 12 SCC 190**

3. Dr. Radhika Kapahtia Vs. State of Kerala and Ors. reported in **2024 SCC Online Ker 1344"**

9. Counsel submits that in the facts and circumstances of the case, the proceedings pending against the petitioner under Section 306 & 498A IPC deserve to be quashed.



**Submissions by the Public Prosecutor and counsel for the Complainant:-**

10. *Per contra* learned Public Prosecutor as well as learned counsel appearing on behalf of the complainant-respondent No.2 opposed the arguments raised by learned counsel for the petitioner and submitted that not only the parents of the deceased, but also the real daughter of the deceased i.e. [REDACTED] have deposed and had their statements recorded under Section 161 Cr.P.C. Counsel submits that the daughter has deposed that the petitioner, who is her father, used to quarrel and beat the deceased and that two months before the incident, a report was registered against him, but because of intervention of the family members the same was withdrawn. Counsel further submitted that as per the statements of the daughter-[REDACTED], her mother was of sound mind, but her father used to administer medicines to her because of the quarrels between husband and wife. She further deposed that her father admitted her in a hostel and the quarrel between husband and wife increased even more, after construction of their house. The daughter-[REDACTED], in her statement, has further stated that quarrel was always open by the petitioner, i.e., her father without any reason and because of the torture done by the petitioner on the deceased, i.e., her mother, she has committed suicide. It has also been stated in her statement that the grand-parents and uncle and aunt of the petitioner did not used to visit their house because of the aforesaid acts of the petitioner and they have never caused any incident of beating the deceased-Heena.





11. Counsel submits that at the stage of framing of charge, only prima facie case is required to be seen and prima facie evidence is there against the petitioner that he abetted and instigated the deceased to commit suicide. Hence, under these circumstances, interference of this Court is not warranted and the instant petition is liable to be rejected.

Rebuttal submissions by the counsel for the Accused-

Petitioner:-

12. In rebuttal of the arguments raised by counsel for the respondent and Public Prosecutor, learned counsel for the petitioner submits that the fact with regard to lodging a previous FIR just two months prior to the alleged incident is factually incorrect and in fact, no such incident has occurred and no such documents have been annexed with the charge-sheet by the Police. Hence, under these circumstances, it cannot be believed that the petitioner ever tortured the deceased or quarreled with her. He further submits that a land was purchased by the petitioner in the name of the deceased, hence, there is no substance in the argument of the Public Prosecutor and counsel for the complainant that the aforesaid land was purchased by in-laws of the petitioner. Counsel submits that under these circumstances, the instant petition deserves to be allowed.

Discussions & Analysis:-

13. Heard and considered the submissions made at the Bar and perused the material available on record. The following issues arise for consideration of this Court:-

13.1 Whether a prima facie case under Section 498-A IPC is made out against the petitioner-accused?



13.2 Whether a prima facie case under Section 306 IPC is made out against the petitioner-accused?

13.3 Whether the petitioner-accused can be discharged for the offences under Sections 306 and 498-A IPC?

14. Section 498-A IPC provides for punishment to the husband or to relatives of the husband of a woman subjecting the woman to cruelty. "Cruelty" under this provision has been explained to mean-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

15. The Hon'ble Apex Court in the case of **U. Suvetha v. State** reported in **2009 (6) SCC 757**, has laid down the following ingredients to constitute the offence under Section 498-A IPC:

- (i) The woman must be married;
- (ii) She must be subjected to cruelty or harassment; and
- (iii) Such cruelty or harassment must have been done either by husband of the woman or by the relative of her husband.

16. The Hon'ble Apex Court has also held in the judgment rendered in the case of **State of A.P. v. M. Madhusudhan Rao** reported in **(2008) 15 SCC 582**, that not every kind of harassment would amount to "cruelty" within the meaning of the





provision, to constitute the offence punishable therein. Every case has to be analysed on its individual facts to assess whether the act of the accused persons constitutes cruelty. Further, cruelty can either be mental or physical, and it is to be seen on the facts of each case.

17. From the above understanding of the provision, it is evident that, "cruelty" simpliciter is not enough to constitute the offence, rather it must be done either with the intention to cause grave injury or to drive her to commit suicide or with intention to coercing her or her relatives to meet unlawful demands.

18. Section 306 IPC provides for punishment for the offence of abetment of suicide. It has to be read with Section 107 IPC which defines the act of "abetment". The provisions read as follows:

"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."

"107. 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.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to





disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.— Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.”

19. Section 306 IPC penalises those who abet the act of suicide by another. For a person to be charged under this Section, the prosecution must establish that the accused contributed to the act of suicide by the deceased. This involvement must satisfy one of the three conditions E outlined in Section 107 IPC. These conditions include the accused instigated or encouraged the individual to commit suicide, conspiring with others to ensure that the act was carried out, or engaging in conduct (or neglecting to act) that directly led to the person taking his/her own life.

20. For a conviction under Section 306 IPC, it is a well-established legal principle that the presence of clear mens rea—the intention to abet the act—is essential. Mere harassment, by itself, is not sufficient to find an accused guilty of abetting suicide. The prosecution must demonstrate an active or direct action by the accused that led the deceased to take his/her own life. The element of mens rea cannot simply be presumed or inferred; it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law is not satisfied, underscoring the necessity of a deliberate and conspicuous intent to provoke or contribute to the act of suicide.





21. The Hon'ble Apex Court in **S.S. Chheena V. Vijay Kumar Mahajan** reported in **(2010) 12 SCC 190**, has observed that:-

"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, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens 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."

22. To bring a conviction under Section 306 IPC, it is necessary to establish a clear mens rea to instigate or push the deceased to commit suicide. It requires certain such act, omission, creation of circumstances, or words which would incite or provoke another person to commit suicide. The Hon'ble Apex Court in **Ramesh Kumar v. State of Chhattisgarh** reported in **(2001) 9 SCC 618**, defined the word "instigate" as under:

"20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."

23. The essential ingredients to be fulfilled in order to bring a case under Section 306 IPC are:

(i) the abetment;





(ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide.

24. Thus, to bring a case under this provision, it is imperative that the accused persons intended by their act to instigate the deceased to commit suicide. Thus, in cases of death of a wife, the court must meticulously examine the facts and circumstances of the case, as well as assess the evidence presented. It is necessary to determine whether the cruelty or harassment inflicted on the victim left them with no other option but to end her/his life. In cases of alleged abetment of suicide, there must be concrete proof of either direct or indirect acts of incitement that led to the suicide. Mere allegations of harassment are insufficient to establish guilt. For a conviction, there must be evidence of a positive act by the accused, closely linked to the time of the incident, that compelled or drove the victim to commit suicide.

25. It is essential to establish that the death was a result of suicide and that the accused actively abetted its commission. This can involve instigating the victim or engaging in specific actions that facilitated the act. The prosecution has to bring such evidence on record to show that the accused played a definitive role in the abetment. Without clear evidence of an active role in provoking or assisting the suicide, a conviction under Section 306 IPC cannot be sustained.

26. The act of abetment must be explicitly demonstrated through actions or behaviours of the accused that directly contributed to the victim's decision to take their own life. Harassment, in itself, does not suffice unless it is accompanied by deliberate acts of incitement or facilitation. Furthermore, these actions must be





proximate to the time of the suicide, showcasing a clear connection between the accused's behaviour and the tragic outcome. It is only through the establishment of this direct link that a conviction under Section 306 IPC can be justified. The prosecution bears the burden of proving this active involvement to hold the accused accountable for the alleged abetment of suicide.

27. Therefore, for a conviction under Section 306 IPC, there must be clear evidence of direct or indirect acts of incitement to commit suicide. The cause of suicide, especially in the context of abetment, involves complex attributes of human behaviour and reactions, requiring the court to rely on cogent and convincing proof of the accused's role in instigating the act. Mere allegations of harassment are not enough unless the accused's actions were so compelling that the victim perceived no alternative but to take their own life. Such actions must also be proximate to the time of the suicide.

28. Now, reverting back to the facts of the instant case, this Court finds that marriage of the petitioner was solemnised with the deceased-Heena (daughter of the respondent No.2) in the year 2006 and out from their wedlock a daughter named [REDACTED] [REDACTED] was born, 12 years back.

It appears that relationship of the daughter was strained with her mother i.e., the deceased. The deceased-Heena committed suicide on 10.02.2023. The police searched deceased's almirah and found two suicide notes written by the deceased. The suicide notes in question were seized by the police and the contents of both suicide notes were mentioned by the police in the





memo of seizure. For ready reference the seizure memo and the contents of both suicide notes are reproduced as under:-

"फर्द जप्ती सुसाइड नोट शृष्ट हस्तलिखित मृतका हीना पाराशरी W/o श्री आशीष कुमार शर्मा, जाति ब्राह्मण, उम्र 38 साल, निवासी मेराज हाउस के पास गली नं. 3 दुर्गानगर थाना कुन्हाड़ी कोटा शहर । बसिलसिले तपतीश प्रकरण संख्या 96/2023 धारा 302, 498ए आई.पी.सी थाना कुन्हाड़ी कोटा शहर

दिनांक— 11/02/2023

समय — 5.35 सांय

स्थान — घटनास्थल

रुबरू गवाहान —

(1) प्रवीण शर्मा पुत्र श्री रामप्रकाश शर्मा, उम्र 50 साल, जाति ब्राह्मण, निवासी सकतपुरा B.Ed कॉलेज रोड कुन्हाड़ी पी.एस. कुन्हाड़ी मोबाईल नं. 8696027444

(2) विक्रम सिंह गुर्जर पुत्र शंकर लाल, उम्र 36 साल, जाति गुर्जर —निवासी बस स्टेण्ड के पास शाहपुरा थाना शाहपुरा भीलवाडा हाल प्लेट न: 124 पार्श्वनाथ अपार्टमेंट नातां कोटा मो. —7424834508

उपरोक्त गवाहान के समक्ष प्रकरण सजा में घटनास्थल मकान मृतका हीना पाराशर W/o श्री आशीष कुमार, जाति ब्राह्मण, उम्र 38 साल निवासी मेराज हाउस के पास गली नं. 3 दुर्गानगर थाना कन्हाड़ी कोटा शहर के निरीक्षण के दौरान कमरे के अंदर रखी आलमारी के सर्च के दौरान मृतका हिना पाराशर के दो हस्तलिखित 2 पृष्ठ सुसाइड नोट मिले। जिनको बतौर वजह सबूत जप्त कर एक लिफाफे में रखकर शिल्ड मोहर कर शामिल पत्रावली किया गया।

हस्व हुलिया :-

(1). प्रथम सुसाइड नोट पेज जिसमे लिखा है "हनी Love you XXXXXXXXXX का ध्यान रखना मैंने हमेशा इसे बहुत प्यार दिया है। इसकी सोच का अब मैं कुछ नहीं कर सकती इसे बाहर पडने डाल देना इसकी इच्छा थी इसे पूरी जरूर करना मुझे आप दोनो से बहुत खुशी मिली है आप में 17 साल और XXXXXXXXXX ने 12 साल तक खूब खुशी दी है, शायद मैं आप दोनो को सम्भाल नहीं पाई आप ने एक बच्चे की तरह पाला था मुझे ये मकान मेरा सपना था जो आपने ये भी पूरा कर दिया बस 17 साल इतंजार किया रोज कि जैसे इनके पति इनके साथ रहते है मेरे भी रिटायर होने पर मेरे साथ रहेंगे लेकिन शायद मुझे





आपका साथ इतना ही था रोज सोने से पहले मुझे good night बोलना मैं रोज आपके पास ही रहूंगी [REDACTED] का ध्यान रखना इसको माँ की कमी कभी महसूस मत होने देना कहना तो बहुत कुछ है लेकिन बस Love you [REDACTED] और हनी मेरा बड़ा भाई भी बहुत अच्छा हैं। मुझे दिल से प्यार करता है। ”

(2) द्वितीय सुसाइड नोट में लिखा है “मेरे से इतनी नफरत क्यों थी इसको मुझे जवाब नहीं दिया इसने मैं आप को कभी कुछ नहीं दे पाई हनी Sorry I Love you भगवान सब को सब दे लेकिन प्यार करने वाले बच्चे दे ऐसे नहीं अब तुझे सब मिलेगा मगर माँ नहीं मिलेगी शैलजा हनी By Love you हनी में बहुत से रही हूँ आप को गले लगाकर By फर्द जब्ती हस्व कायदा मुर्तिब कर सम्बंधित को पढकर सुनाई। सुन सही मान हस्ताक्षर किए गए।”

29. Both the aforesaid suicide notes were sent to the Forensic Science Laboratory and the analysis of the handwriting of the deceased, Heena Parashar, revealed similarities between the disputed suicide notes and the standard admitted handwriting of the deceased-Heena. For ready reference FSL report is reproduced as under:-

“STATE FORENSIC SCIENCE LABORATORY, RAJASTHAN

R.P.A. Road, Nehru Nagar, Jaipur-302016 (Rajasthan)
Tel: 0141-2301584, Fax: 0141-2301859 Email Id:
director.fsl@rajasthan.gov.in

REPORT ADMISSIBLE UNDER SECTION 293 Cr.P.C.

Report No. SFSL(JAI)/5232/DOC/112/23/QD/99/23
Date: 05.04.2023

Reference : Supdt. of Police, Kota City.
Letter No : 379 Date : 20.03.2023
FIR No. : 96/2023 Date : 11.02.2023
Under Section : 302, 498A IPC
Police Station : Kunhari District: Kota
FSL Receipt No: SFSL(JAI)/5232/DOC/23 Date : 21.03.2023
Mode of receipt: Special Messenger Sh. Vikash Kumar No. 1900.





DESCRIPTION OF PACKET(S) RECEIVED

The packet(s), **02** in number, marked **A, B** were received properly sealed and bearing seal impression, which tallied with the specimen seal impressions forwarded.

DESCRIPTION OF ARTICLES

DISPUTED:

Q1, Q2 : The blue enclosed, stamped and marked disputed writings in blue ink on 02 ruled papers dt. nil.

..... 02 sheets.

STANDARD:

A1 to A25 :

The blue enclosed, stamped and marked admitted writings (A1 to A15) and signatures (A16 to A25) purported to be of **Late Smt. Hina Parashar** in blue ink on page nos. 1 to 9 of spiral note book, "आवेदन का प्रारूप" dt. 03.11.2022, cheque no. 556264 dt. 06.01.2021 of State Bank of India, Kota Thermal Power, Sakatpura, Kota, Pay in slip dt. 06.01.2021 of State Bank of India, on ruled paper dt. 21.09.2020, "आवेदन पत्र" dt. 08.02.2013, second page of form of "राजस्थान पशु चिकित्सा शिक्षा प्रबंधन एवं शोध संस्थान" dt. 18.11.2014, account opening form of "Punjab National Bank, Branch- Nagar Nigam Kota" dt. 29.11.2019, photostat copies of PAN card and Aadhar card.
..... 12 sheets, 01 volume and extra 03 sheets.

PURPOSE OF EXAMINATION

Determination of authorship.

RESULT OF EXAMINATION

As a result of very careful and thorough scientific examination of the documents referred to overleaf with the help of scientific aids available in the laboratory such as VSC-8000 instrument, Stereo Zoom microscope etc. and on the basis of material supplied, the following conclusion has been arrived at:-

The blue enclosed disputed writings stamped and marked as Q1 and Q2 show similarities with the blue enclosed admitted writings stamped and marked as A1 to A15.

Grounds:-

The disputed and admitted writings are written freely and agree with each other in general writing characteristics such as line quality, movement, point load, skill, alignment, spacing, slant, speed, relative size proportion of letters etc., with natural variation and do not show sign of imitation. Admitted writings also show consistency on interse examination.





The disputed and admitted writings also agree with each other in individual writing characteristics. Some of significant points of similarities are mentioned below:-

(1) Similar manner of execution of letter "न", start, eyelet formation, variation, middle body stroke, continuous formation of vertical staff and its fine finish.

(2) Like manner of formation of letter "क", position of start, left oval movement, continuous formation of right curved body and fine finish.

(3) Resemblance manner of execution of letter "य", start, curved body movement, continuous formation of vertical staff and its fine finish.

(4) Similar manner of formation of letter "श", start, eyelet formation at upper part, curved body movement, knot at middle, placement of vertical staff and its fine finish.

(5) Identical manner of execution of letter "स", start, curved body movement, bridge stroke, continuous formation of vertical staff and its fine finish.

(6) Similar manner of formation of letter "ब", start, oval body movement, continuous formation of vertical staff, placement of cross bar and fine finish.

(7) Similar manner of execution of letter "च", horizontal start, curved body movement, continuous formation of vertical staff and its fine finish.

(8) Similar manner of formation of letter "अ", start, curved body movement, body axis, knot at lower part, bridge stroke, continuous formation of vertical staff and fine finish.

(9) Like manner of execution of letter "छ", start, curved body movement, body axis and inward finish.

(10) Resemblance manner of formation of letter "ल", start of body from foot of vertical staff, curved shoulder, axis and fine finish.

(11) Similar manner of execution of letter "द", start, curved body movement and vertical downward finish.

(12) Like manner of formation of letter "थ", start, eyelet formation, curved body movement, continuous formation of vertical staff and its fine finish.

(13) Similar manner of execution of letter "ज", position of start, middle body stroke, curved body movement, placement on vertical staff and its fine finish.

(14) Similar manner of formation of letter "भ", start, anticlockwise eyelet formation at upper part, body movement, knot at lower part, bridge stroke, continuous formation of vertical staff and its fine finish.

(15) Similar manner of execution of letter "L", start, angular body formation and fine finish.

(16) Like manner of formation of letter "y", start, body cup formation, movement, knot at lower part, variation and its fine finish.

(17) Similar manner of execution of letter "r", start, knot at upper part, horizontal middle body stroke and its fine finish.

(18) Similar manner of formation of vowel sign "ी", start, placement of upper curved body, movement, placement of vertical staff and its fine finish.

(19) Peculiar manner of formation of vowel sign "ँ", start, simplified curved body movement, placement and fine finish.





(20) Similar manner of execution of digit "7", hooked start, angular body formation, placement of cross bar and its fine finish.

(21) Similar manner of execution of digit "2", start, curved body movement and finish of terminal stroke.

(22) Similar manner of start, movement formation and finish of letters "ह", "ख", "म", "इ", "त", "र", "ड", "प", "स", "V", "e", "u", "g", "d", "n", "t" etc.

(23) Similar manner of start, movement, placement, formation and finish of vowel signs "ऀ", "ँ", "ं", "ँ", "ँ", etc.

(24) No material divergence could be detected.

Cumulative consideration of above said points of similarities are sufficient and significant to arrive at the above said conclusion. These points of similarities are not due to accidental coincidence.

(Rakesh Agarwal)

सहायक निदेशक (प्रलेख)
राज्य विधि विज्ञान प्रयोगशाला
राजस्थान, जयपुर"

30. Bare reading of both the suicide notes in question indicates that relation of the petitioner with the deceased-Heena was good & cordial and she was quite happy in the companionship of the petitioner, but her relationship with the daughter [REDACTED] was strained and the daughter hated her mother i.e., the deceased-Heena. Hence, on account of the above, she slipped into depression and committed suicide.

31. Statements of three witnesses namely Ranjeet Singh, Smt. Madhu Kanwar and Smt. Sandhya Sharma indicate that both the petitioner and the deceased were residing happily in the companionship of each other but the relationship of their daughter was not good with her mother (the deceased-Heena).

32. Had it been a case based on the evidence placed by the in-laws of the petitioner only, the situation could have been examined accordingly, but looking to the documentary evidence i.e. two suicide notes in question, written by none other than the deceased herself, it is clear that she was happy with the petitioner





and she has not ascertained anything against him in both the suicide notes that she was subjected to torture or harmed by her husband or her husband demanded for dowry or abetted or instigated her to commit suicide.

33. Though allegations have been levelled by father of the deceased against the petitioner and the in-laws, but the police has submitted charge-sheet only against the petitioner and no allegations of abetment or instigation have been levelled even by them in their police statements recorded under Section 161 Cr.P.C. against the petitioner that he abetted or instigated the deceased in any manner to commit suicide. Though, daughter of the petitioner has deposed against him stating that her father used to beat her mother because of quarrel between them, she was admitted to hostel, then she came to know about the death of her mother. Even in her statements, there is no allegation against the father that he ever abetted or instigated the deceased to commit suicide.

34. This Court is well aware about the fact that defence of the accused is not required to be looked into at the stage of framing of charge. Hence, this Court is not appreciating the mobile chats of the deceased with the petitioner on the fateful day i.e. 10.02.2023, when she committed suicide.

35. This Court is also aware of the fact that at the stage of framing of charge only prima facie case is required to be seen and evidence is not required to be seen. But looking to the two suicide notes in question, which were recovered and seized by the Investigating Agency, as the same have been written by the





deceased, no prima facie case is made out to proceed against the petitioner under Sections 306 & 498A IPC as the deceased has not levelled any kind of allegation against the petitioner in relation to the above stated offences, rather she has admitted the fact that her relations with the petitioner were cordial and the petitioner has provided all kinds of happiness to her during her lifetime. But due to strained relations of the deceased with her daughter-
[REDACTED], she had committed suicide.

36. This Court finds that the complainant has failed to prima facie establish that the petitioner had any intention to instigate, aid or abet the deceased to commit suicide. The complainant has ever failed to prima facie establish that the petitioner in any manner tortured or harassed the deceased for dowry, etc. No doubt, a young woman of 39 years ended her life in an unfortunate manner, however, in the absence of sufficient material to show that the petitioner had instigated by his words thereby pushing the deceased into such a position that she was left with no other option but to commit suicide, then no prima facie case is found to be proved against the petitioner. Hence, continuation of criminal proceedings against the petitioner would result in abuse of the process of law.

Conclusion:-

37. Considering the overall facts and circumstances of the case, there is no prima facie case available on the record to show that the petitioner ever abetted or instigated the deceased to commit suicide, rather the deceased-Heena herself was under depression due to her strained relationship with her own daughter-[REDACTED].





Considering the proposition of law, as laid down by the Hon'ble Apex Court in the above noted cases, wherein, it has categorically held that the proceedings under Section 306 & 498A IPC cannot be allowed to continue against the accused only at the whims of the parents-in-law and considering the overall facts and circumstances of the case and looking to the two suicide notes written by the deceased herself, this Court is of the considered opinion that the ingredients of the offence under Section 306 & 498A IPC are missing in the instant case and there are bleak chances of his conviction on the basis of such suicide notes written by the deceased, hence, continuation of the proceedings against the petitioner on the basis of such kind of evidence would be sheer wastage of the time of the Trial Court.

38. This Court finds no good reason to allow the proceedings to continue against the petitioner for the above-stated offences.

39. Hence, the instant petition stands allowed and the entire proceedings of the criminal case i.e., Sessions Case No. 52/2023 pending before the Court of Additional Sessions Judge, Women Atrocities Cases, No. 1, Kota stand quashed and set aside. The interim order dated 07.05.2024 stands vacated.

(ANOOP KUMAR DHAND),J

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