

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRA-S-1168-SB of 2006 (O&M)

Reserved on:- 26.09.2025

Date of Decision: 13.10.2025

Parkash Kaur @ Parkash Rani

.....Appellant

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Argued by: Mr. Nikhil Ghai, Advocate,
Ms. Komal Parveen Singh, Advocate and
Mr. Nipun Gupta, Advocate
for the appellant.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Ms. Kamaldeep Kaur, Advocate for
Mr. G.S.Kaura, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. The instant appeal has been preferred against the judgment of conviction and order of sentence dated 10.06.2006 passed by the learned Additional Sessions Judge (Adhoc) cum P.O. Fast Track Court, Ropar, in case FIR No. 102 dated 13.4.2004, under Section 306/34 IPC, registered at Police Station Mohali, whereby the appellant has been convicted under Section 306 IPC and sentenced to undergo imprisonment along with fine as under:-

Under Section	Sentence	Fine	In default of payment of fine
306 IPC	Rigorous imprisonment for two years	2000/-	Rigorous imprisonment for six months

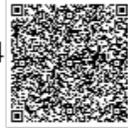


Factual matrix

2. The brief facts of the case are that on 13.4.2004, at about 4.15. P.M., complainant Parveen Walia, brother of the deceased, got recorded his statement with the police alleging therein that his family had given dowry as per their capacity at the time of the marriage of his sister (since deceased), the eldest of the four siblings, which was solemnized with Manoj Chawla in May, 1995, as per Hindu rites and ceremonies. However, after sometime of the marriage, his sister had informed them that her mother-in-law and sister-in-law were harassing her for want of dowry and also on account of non-birth of child. It is further alleged that when at one point of time she had fallen seriously ill, her in-laws left her at her parental house, and she was got treated by the complainant side. After recovery, the sister of the complainant (since deceased) was taken back to her matrimonial home by her in-laws, who also used to inform them telephonically that she was being harassed by her in-laws family. On 7.4.2004, at about 7.30 A.M., the complainant side received a telephonic message that the deceased was unwell. Subsequently, the parents of the complainant reached the matrimonial home of the deceased, where they found that the deceased had already passed away and her body was lying on the bed. The family members of her in-laws did not disclose the reason of her death. Thereafter, on the same day at 9.30 A.M., the father of the complainant informed the police. On the basis of the above statement, the present FIR was registered and investigation was carried out.

3. After completion of investigation, challan was presented before the Court of learned Court concerned.

4. Since the offence under Section 306 IPC was exclusively triable by the Court of Session, therefore, the learned committal Court



concerned, through a committal order dated 04.12.2004 committed the case to the Court of Session.

5. Charges were framed against the accused under Sections 306 read with 34 IPC, to which they pleaded not guilty and claimed trial.

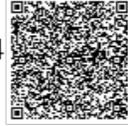
6. In order to prove its case, the prosecution examined as many as 13 witnesses.

7. In the statement recorded under Section 313 Cr.P.C., the accused denied the prosecution case and pleaded false implication. The accused led one defence witness into the witness box.

8. After appreciating the evidence on record, the learned trial Court concerned vide impugned judgment/order convicted and sentenced the appellant under Section 306 IPC. However, the other co-accused namely Santosh Kumari and Renu alias Bobby were acquitted of the charges framed against them by giving benefit of doubt.

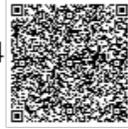
Submissions made by learned counsel for the appellant

9. Learned counsel for the appellant has argued that the appellant is the old aged mother-in-law of the deceased, and has been falsely implicated in the present case. The marriage of the deceased was solemnized with the son of the appellant namely Manoj Kumar in May 1995. Since the deceased had died on 07.4.2004 i.e. after about 9 years of marriage, therefore, it is highly improbable that she continued tolerating the alleged harassment, particularly when she herself was a well educated person working as a Teacher. Therefore, the allegations levelled against the appellant with regard to harassment are not only false but also baseless and without any substance. It has also been argued that after the alleged occurrence, the father of the deceased had made a statement to the police to the effect that the relations between the deceased and her in-laws were



cordial, and she was under depression as she was not having a child. Further, PW-8 ASI Mangal Singh has deposed that at the time of recording of the statement of the father of the deceased, his wife and daughter were also present, however, nobody had raised any suspicion regarding the death of the deceased.

10. Learned counsel has further argued that there is a delay of 07 days in lodging the present FIR. Even otherwise, there are no specific allegations against the appellant, and the allegations levelled against the appellant are vague and general, and do not constitute an offence under Section 306 IPC. Thus, there is no prima facie case against the appellant, as *mens rea* along with the key ingredients required to be made out in a case under Section 306 IPC is absolutely lacking. It is submitted that in order to bring home charges under Section 306 IPC, there must be intention and active aiding or abetment of the commission of suicide, and that mere harassment by itself is not sufficient to hold an accused guilty of abetting suicide. Furthermore, there are material improvements in the statements of the prosecution witnesses and no reliance could be placed on their statements. It has also been argued that the doctor, who conducted post-mortem examination on the dead body of the deceased, has not been examined before the learned trial Court. Therefore, the said omission is fatal to the prosecution case, as in order to prove its case under Section 306 IPC, it is incumbent upon the prosecution to go through the medical evidence to prove the nature of injuries and cause of death. Therefore, it is prayed that the impugned judgment/order be quashed and set aside.



Submissions made by the learned State counsel

11. Per contra, learned State counsel has vehemently opposed the arguments made on behalf of the appellant. It is submitted that from the evidence on record, it has been established that on account of harassment and maltreatment being meted to the deceased at the hands of the appellant, she had committed suicide. Therefore, the verdict of conviction, and consequent thereto sentence (supra) as imposed upon the convict-appellant are well merited, and do not require any interference, being made by this Court in the exercise of its appellate jurisdiction. It is thus submitted that the conviction of the appellant be upheld.

Analysis & conclusion

12. Heard the rival contentions advanced by the learned counsel for the parties and perused the records.

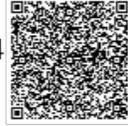
13. Before proceedings to make an adjudication upon the present appeal, it would be apposite to discuss the offence of abetment of suicide as contained under section 306 of the IPC; to establish which, the prosecution must prove that the person who is said to have abetted the commission of suicide, has played an active role in the same. The relevant provisions read thus:

“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—*

(1) *Instigates any person to do that thing; or*

(2) *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

(3) Intentionally aids, by any act or illegal omission, the doing of that thing.

14. Section 306 of the IPC has two basic ingredients-first, an act of suicide by one person and second, the abetment to commit the said act by another person(s). In order to sustain a charge under Section 306 of the IPC, it must necessarily be proved that the accused person has conspired to and aided or instigated such commission by the deceased by way of some direct or indirect act. To prove such contribution or involvement, one of the three conditions outlined in Section 107 of the IPC has to be satisfied.

15. The Hon'ble Supreme Court in ***Jayedepsinh Pravinsinh Chavda v. State of Gujarat, 2024 SCC OnLine SC 3679***, while expatiating on the said provision, observed thus:

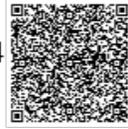
“23. The act of abetment must be explicitly demonstrated through actions or behaviors of the accused that directly contributed to the victim's decision to take their own life. Harassment, in itself, does not suffice unless it is accompanied by deliberate acts of incitement or facilitation. Furthermore, these actions must be proximate to the time of the suicide, showcasing a clear connection between the accused's behavior 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. The same position has been laid down by this court in several judgments, such as:

i. M. Mohan v. State;

ii. Amalendu Pal alias Jhantu v. State of West Bengal;

iii. Kamalakar v. State of Karnataka.

24. 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 behavior 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. The Court examines whether the accused's conduct, including provoking, urging, or tarnishing the victim's self-esteem, created an unbearable



situation. If the accused's actions were intended only to harass or express anger, they might not meet the threshold for abetment or investigation. Each case demands a careful evaluation of facts, considering the accused's intent and its impact on the victim.”

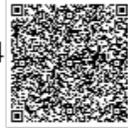
16. A gainful reference can also be made to a recent judgment of the Hon’ble Supreme Court in case titled as ***Abhinav Mohan Delkar versus The State of Maharashtra and others, Criminal Appeal Nos. 2177-2185 of 2024***, wherein it has been observed thus:-

*“13. It is very pertinent that a reading of the above decisions would only indicate that **always a proximate incident or act prior to the suicide was held to be a very relevant aspect in finding the death to be a direct causation of the acts of the person accused of abetting the suicide.** We think it apt to look at the decisions discussed in ***Ude Singh . Ramesh Kumar v. State of Chhattisgarh*** which was a case in which the husband pursuant to a quarrel asked the wife to go wherever she pleased, after which she set herself ablaze. This Court opined that the wife, on the husband freeing her, impulsively felt that she could do nothing but kill herself. It was held so in paragraph 20:*

“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.” [underlining in all the extracts, by us, for emphasis]

14. This Court also relied on ***State of West Bengal v. Orilal Jaiswal***, wherein it was held so:

“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.”

15. **Pawan Kumar v. State of Himachal Pradesh** was a case of elopement which resulted in a criminal prosecution against the boy, later acquitted on the girl's testimony in his favour. The boy continued to harass the girl, holding her responsible for the criminal proceeding initiated and even threatened to kidnap her; which proximate threat led to the girl setting herself ablaze. A dying declaration in the form of a letter, pinned the responsibility of her death on the accused. While upholding the conviction entered into by the High Court reversing the acquittal by the Trial Court, this Court held so on the scope of the words 'abetment' and 'instigate':

“43. Keeping in view the aforesaid legal position, we are required to address whether there has been abetment in committing suicide. Be it clearly stated that mere allegation of harassment without any positive action in proximity to the time of occurrence on the part of the accused that led a person to commit suicide, a conviction in terms of Section 306 IPC is not sustainable. A casual remark that is likely to cause harassment in ordinary course of things will not come within the purview of instigation. A mere reprimand or a word in a fit of anger will not earn the status of abetment. There has to be positive action that creates a situation for the victim to put an end to life.

44. x x x x”

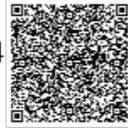
Here again the live link, to the just prior threat was emphasised while also noticing the fact that a young girl living in a village setting, also belonging to the poor strata of society, was threatened and teased constantly, resulting in her resort to the extreme step. The accused would have known that his acts would lead to the drastic consequence.

16. **Amalendu Pal vs. State of West Bengal** also held:

“Merely 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, conviction in terms of Section 306 IPC is not sustainable.”

17. **S.S.Chheena v. Vijay Kumar Mahajan** emphasised the requirement of a positive act on the part of the accused to instigate or aid in committing suicide. Looking at Section 306, it was held so :

“... 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.

18. **Chitresh Kumar Chopra v. State (NCT of Delhi)** spoke on the suicidal ideation and behaviour in human beings which were complex and multifaceted (sic). It was held that:

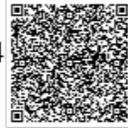
“Different individuals in the same situation react and behave differently because of the personal meaning they add to each event, thus accounting for individual vulnerability to suicide. Each individual's suicidability pattern depends on his inner subjective experience of mental pain, fear and loss of self-respect. Each of these factors are crucial and exacerbating contributor to an individual's vulnerability to end his own life, which may either be an attempt for self protection or an escapism from intolerable self.”

19. **Madan Mohan Singh v. State of Gujarat** was a case in which the accused was alleged to have continuously harassed and insulted the deceased and spoken as to how he was still alive despite the insults levelled. There was also a suicide note in which the deceased, a driver, accused his employer of having driven him to suicide. Despite such an allegation in the suicide note, this Court found that there was absolutely nothing in the suicide note or the F.I.R. which could even distantly be viewed as an offence, much less under Section 306 of the I.P.C.

20. Again, the ingredients under Sections 107 and 306 of the I.P.C. was interpreted by one of us in **Prakash and Ors. v. State of Maharashtra and Anr.** (B.R. Gavai J., as he then was) in the following manner:

“14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well-established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide.

15. The law on abetment has been crystallised by a plethora of decisions of this Court. Abetment involves a mental process of instigating or intentionally aiding another person to do a particular thing. To bring a charge under Section 306 of the IPC, the act of abetment would require the positive act of instigating or intentionally aiding another person to commit suicide. Without such mens rea on the part of the accused person being apparent from the face of the record, a charge under the aforesaid Section cannot be sustained. Abetment

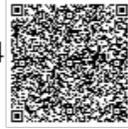


also requires an active act, direct or indirect, on the part of the accused person which left the deceased with no other option but to commit suicide.”

21. *It was held that abetment involves the mental process of instigating a person or intentionally aiding a person in doing of a thing and without a positive act on the part of the accused, in aiding or instigating or abetting the deceased to commit suicide, a conviction cannot be sustained.*

22. *What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, 'the straw that broke the camel's back'; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim”*

17. Reverting to the case in hand, the marriage of the deceased was solemnized with the son of the appellant namely Manoj Kumar in May 1995, and she had died in her matrimonial home on 07.4.2004 i.e. after about 9 years of marriage. The appellant is the mother-in-law of the deceased. The prosecution has failed to prove in the present case any circumstances, which the appellant had created or contributed towards that had driven the deceased to put an end to her life. Furthermore, there are glaring inconsistencies and material contradictions in the deposition of PW-4 Bishan Dass. PW-4 in his cross-examination has denied to the suggestion

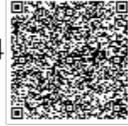


that in his statement (Ex. PW-4/A) recorded before the police, he has not stated that his daughter was leading a normal and cordial life in her in-laws house and that she was under depression for want of a child. The said witness also denied to the suggestion that in his statement (Ex. PW-4/A) he has not mentioned that he has no doubt against any person with regard to the death of his daughter. However, the said witness was then confronted with his earlier statement (Ex. PW-4/A) wherein the above said facts were recorded. Apart from the above, the prosecution did not get conducted the examination of the doctor, who has conducted the post-mortem examination on the dead body of the deceased.

18. Thus, prosecution was unable to point out or prove any active role on the part of the appellant to instigate or aid in commission of suicide by the deceased. Therefore, the statements of the prosecution witnesses could not be taken to be a sterling evidence, and in the absence of any corroborative evidence that could make it clear that the accused by her continuous course of conduct created such circumstances that the deceased was left with no other option but to commit suicide.

19. 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. Since the cause of suicide particularly in the context of the offence of abetment of suicide involves multifaceted and complex attributes of human behaviour, the Court must look for cogent and convincing proof of the act(s) of incitement to the commission of suicide. Mere allegation of harassment of the deceased by another person would not suffice unless there is such action on the part of the accused which compels the person to commit suicide.

20. Consequently, this Court finds that it is not even *prima facie* established that the appellant had any intention to instigate or aid or abet the



deceased to commit suicide. No doubt a young woman has lost her life in an unfortunate incident, however, in the absence of sufficient material to show that the appellant had intended by her words or actions to push the deceased into such a position where she was left with no other option but to commit suicide, continuation of criminal proceedings against the appellant would result in an abuse of process of law.

21. Accordingly, for the reasons (supra), there is merit in the appeal, and the same is hereby allowed. The impugned judgment and order convicting and sentencing the appellant, as recorded by the learned Court concerned, are quashed and set aside. Appellant Parkash Kaur @ Parkash Rani is acquitted of the charges framed against her. The fine amount, if any, deposited by her, be refunded to her, in accordance with law. The personal and surety bonds of the accused shall stand forthwith cancelled, and, discharged. The appellant, if in custody, and if not required in any other case, be forthwith set at liberty. .

22. Record of the case(s), if any, be sent back to the Court(s) below.

23. The case property, if any, may be dealt with as per rules after expiry of period of limitation for filing the appeal(s).

24. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

October 13th, 2025
Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No