REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No 654 of 2017

Nipun Aneja and Others **Appellants**

Versus

State of Uttar Pradesh **Respondent**

O R D E R

1 This appeal is at the instance of three accused sought to be prosecuted in connection with Criminal Case No 11428 of 2007 for the offence punishable under Section 306 of the Indian Penal Code (for short, 'the IPC') and is directed against the order passed by the High Court of Judicature at Allahabad, Lucknow Bench dated 10 March 2017 by which the High Court rejected the application filed by the appellants herein seeking quashing of the criminal proceedings.

2 The case of the prosecution may be summarized as under:

3 The deceased, namely, Rajeev Jain was an employee of Hindustan Lever Limited. He was serving with the company past twenty-three years. On 03.11.2006, he committed suicide in his hotel room in Lucknow. The brother of the deceased, namely, Rajnish Jain lodged a First Information Report on 4 November 2006 in connection with the suicide committed by his brother. The First Information Report reads thus:

> "Late Shri Rajeev Jain who was working in Hindustan Lever Limited from past 23 years was having good work capacity therefore there was no spot on his career in any manner. He was very disciplined and dutiful person. Rajeev Jain who was my brother, his dead body was found in Hotel Ambar situated in Lucknow on 03.11.2006. After this sad incident applicant came to Lucknow and Bhabhi of applicant namely Smt. Sunita Devi Jain wife of Late Shri Rajeev Jain resident of B - 134 Bari Badi Gayabi Mu. Mehmurganj police Station Dhelupura District Varanasi also came. I want to present following facts before you on the basis of conversation held between me and my bhabhi and in between me and my elder brother from time to time. My elder brother Rajiv Jain was honest, disciplined employee of Hindustan Lever Limited and his retirement was fixed at the age of 60 Years. But from past one year he remained tensed because of the wrong behavior of some of his officers. With great efforts and on asking again and again he told that company is offering VRS Scheme and he is being compelled to accept the same. He also stated that it is being called VRS Scheme but it is made applicable as CRS (Compulsory Retirement Scheme). These officers would have certainly put pressure on him, its effect could be felt in the house also. In the month of September 2006 he was seen tensed and on asking told that company made VRS Scheme applicable and it will be continued till 30.09.06, but he is being compelled to accept the same forcefully and is being harassed. In this work the main role was of Shri Venkatesh RMM HLL Northern India, Shri Kalol Chakraborty RPM HLL Northern India, Shri Rupendra Yadav, RSM Northern India, Shri Nipun Aneja ASM Purvanchal, ZI Alvi, AE and Manish Sharma, AE and others. Because it is was introduced as a VRS scheme therefore my brother Late Rajiv Jain and his many other colleagues did not accept the same. After the month of September in the month of

> October 2006 the cruelty of some of the officers increased to more extent and when objected to, these persons threatened even through antisocial elements whereas my brother Late Rajiv Jain was very peaceful nature. Before coming to the programme organized by the company in Lucknow (Hotel Amber and Hotel Deep Palace) on 2nd and 3rd November 2006 he said that he will keep his defense strongly and will satisfy the officers and will take out permanent solution. Sir, with the aforesaid basis he came to Lucknow from Varanasi on 01.11.06 and stayed in Hotel Amber along with his colleagues. On 02.11.06 he talked at home through phone. On 03.11.06 my brother was again harassed unnecessarily. After that those officers handed over some letter to him. My brother Late Rajiv Jain told about his difficulty at home also on telephone on 03.11.06. Then they came to their hotel from meeting. Afterwards his dead body is found in the room. Sir, I have the complete belief that for instigating my brother Shri Rajiv Jain to take such a weak step following officer and other officers of the company are mainly responsible.
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> 1. Shri Venki Vekatesh R.M. North India, H.L.L.
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> 2. Shri Kaloi Chakraborty R.P.M. North India, H.L.L.
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> 3. Shri Rupendra Yadav, R.S.M. North India H.L.L.
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> 4. Shri Z.I. Alwi, A.E. H.L.L.
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> 5. Shri Meenish Sharma, A.E. H.L.L.
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> 6. Shri Nipun Aneja, A.S.M. Eastern U.P. H.L.L.
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> This fact is also important because even after occurrence of such a painful incident no officer of company till date has come in front in any manner Sir, it is requested that on writing the report kindly initiate the necessary proceedings. My bhabhi and me unlucky brother who are in pain will be very grateful to you."

4 Thus, it appears on plain reading of the First Information Report that the appellants before us in their capacity as senior officers of the company had convened a meeting on 3 November 2006 with the employees of the

company at Hotel Amber in Lucknow, Uttar Pradesh. The deceased alongwith his colleagues was present in the meeting. The gravamen of the charge is that the company wanted around fifty to sixty office employees to opt for Voluntary Retirement Scheme (VRS). As all those employees were not ready to opt for the VRS scheme, they were being harassed in some manner or the other. It is further alleged that in the course of the meeting the deceased was humiliated by the appellants & he felt very bad about it.

5 In the course of investigation, the police recorded statements of some of the colleagues of the deceased who were also present in the meeting. We may look into just two statements in this regard. The first statement is of Sudhir Kumar Ojha. In his police statement, he has stated the following:

> "Shri Sudhir Kumar Ojha son of Late Shri Shyam Kishore Ojha resident of Om Niwas Civil Lines P.S. Kotwali District Sultanpur on oath stated that I and Shri Rajeev are working in Hindustan Lever Limited Company at the post of salesman. I was appointed as salesman and Shri Rajiv Jain was posted in Varanasi. On 01.11.06 we came in Ambar Hotel and both of us stayed in no.244. On 03.11.06 we reached at Deep Palace Hotel at around 09:30 AM for the purpose of participating in meeting. First of all we were preferred by Nipun Aneja, ZILV, Vijay Dev Sharma, Manish Sharma, M.A. Khan and others in the meeting. In the meeting of last month for all the salesman the voluntary retirement scheme of Districts of East Uttar Pradesh for all the salesman is brought in front and the same is done through the Unnav company which is not accepted by most of the persons. In the meeting which took place now also most of the salesman were made as responsible for lower category from past on making changes in profile which is beyond our status. Shri Rajiv Jain started crying on being tensed in the meeting. In this manner the company started the procedure of changing the VRS to CRS. Meeting came to an end at around 5:30 PM. I went on the residence of my sister Sudha. From there at 8 PM returned back in hotel and came in room no.123

and along with my colleague Keshav Tiwari son of Shri Rakesh Tiwari along with Pandey General Store Kachehri Chowk Bier reached in room no.244. Room was closed from inside. Efforts are made to get it open and called up through telephone. But no reply was there then we contacted the Manager of the hotel who on making efforts at his own level Subhash Nath Employee was sent inside from the bathroom of the room and got the door opened and saw that Shri Rajiv Jain tied the knot of bed sheet and was hanging from fan. He was checked and found that he is dead. Information about all this is given during the course of meeting to M. Venkatesh on 03.11.06. Letter which was given to Rajiv Jain in the meeting is found in his room. I am giving the same to you."

6 The second statement is one of Shri Jayant Kumar Ghatak. His police statement reads thus:

"Jayant Kumar Ghatak son of Late Vijay Kumar Ghatak resident

of 124 Sohaptia Bagh police station Daraganj Allahabad on oath stated that on 03.07.06 the panchayatnama was filled of Rajiv Jain who committed suicide in Amber Hotel and the dead body was sent on duly stamping and sealing to the constables for the purpose of post-mortem. Signatures were taken.

Statement of witness -

Jayant Kumar Ghatak son of Late Shri Vijay Kumar Ghatak resident of 184 Sohaptia Kaam Allahabad police station George Town District Allahabad on oath stated with regard to his colleague Late Rajiv Jain with regard to the incident committed along with him then he stated on oath during the course of enquiry that each month meeting of one day - one day is done with regard to sales by officers which took place one day in each month but this month two days the meeting was called. On first day meeting took place in Amber Hotel, in which the talks were held by the officers who came in the meeting with regard to sales but on 03.11.06 the meeting which was held in Deep Palace, that was called for harassing the employees salesman who are not taking VRS and for the purpose of doing their demotion. In the meeting area sales manager M. Nipun Aneja, ZILV, Manish Sharma, M.H. Khan and Vijay Dev came in the meeting. In the meeting the meeting was called of the

person not taking the VRS and of sales man. In the meeting 1. R.R. Kapoor, 2. Keshav Tiwari 3. R.N. Prasad, 4. R.N. Shukl, 5. Sudhir Ojha, 5. B.N. Gupta 9. Hari Shyam Mishra 2. Rajiv Jain and I was in the staff meeting. In the meeting all the sales men were called by number who have not taken the VRS and while stating the bad about them M. Nipun Aneja, Manish Sharma and ZILV were given one transfer letter for the post of merchandising which was post lower from salesman and those employees who were not accepting the transfer letter, their life will be ruined and will be dispelled from service. Vijay Dev Nani and M.A. Khan who were present in the meeting did not said bad to anyone and nor provide mental harassment. They were only present. Scheme of VRS was launched by Kalol Chakravarty and Rupendra Yadav who came one year back for the purpose of launching the same who harassed us a lot, that the one who will not take the VRS will be dispelled. M. Banki Venkatesh from whose signature transfer was done in merchandising from salesman. They harassed us mentally earlier for the purpose of taking of VRS. On not taking the VRS on forcefully harassing mentally on doing their signature done our transfer in merchandising from sales man. The letter was given by M. Nipun Aneja, Manish Sharma and ZILV. On calling Rajiv Jain in last in meeting gave the transfer letter of merchandising from salesman and stated bad because of which on being aggrieved Rajiv Jain started crying in meeting all only. We were very tensed. After ending of the meeting all the persons came to Amber Hotel, but in his room ..... Sudhir Ojha on going at the place of his sister Sudha came alone in rickshaw and on going in his room directly strangulated himself on putting the loop with fan and committed suicide on closing the door. We while leaving the hotel knocked the door then the room was closed from inside then though he might be getting fresh alone therefore we returned back to Allahabad. On way near Raibarelly received the information on phone then returned back to hotel then on sending inside from window the son of Subhash Chandra Verma the room was got opened, there dead body was hanging with fan and they died. And after panchayatnama the dead body was sent for the purpose of proceedings for the purpose of postmortem. Despite of information to the officers of department no one came to Hotel Amber. Officers of our department harassed Rajiv Jain and us that at last Rajiv Jain committed suicide. This is my statement which is recorded in the court."

7 Thus, the two police statements referred to above if read closely reveals that the three appellants in their capacity as high-ranking officers of Hindustan Lever Ltd. had convened a meeting in Hotel Amber with the employees of the company serving as salesmen. This meeting was convened to discuss about the sales of the company. On the next day, i.e., 03.11.2006, the meeting as alleged was convened only to harass those salesmen who were not ready to opt for VRS. In this meeting as alleged some of the salesmen including the deceased were issued letter to undertake the work of merchandising. This was not liked by all the employees. They felt that after putting in 23 years of service as salesmen, they could not have been asked to undertake the work of merchandising. Again, as alleged, this was done by way of punishment for refusing to voluntarily retire. It is not the case that just one person, i.e., the deceased was targeted & humiliated.

8 On the basis of the aforesaid statements, the police thought fit to file charge-sheet. The filing of the charge-sheet ultimately culminated in the criminal proceedings.

9 As the High Court declined to quash the proceedings, the appellants are here before this Court.

10 Before we proceed to say anything on the merits of the case, we should look into the line of reasoning assigned by the High Court in its impugned order while rejecting the petition seeking quashing of the criminal proceedings. The High Court in its impugned order in paragraphs 31, 39, 40 and 46

respectively has observed thus:

> "31. In the present case, the employees Sudhir Kumar Ojha and Jayant Kumar Ghatak have specifically stated the humiliation which was faced by the deceased due to the action of Z.I. Alvi, Nipun Aneja and Manish Kumar Sharma coupled with humiliation which was continuously being faced by the deceased due to the behavior of Rupendra Yadav and Kallol Chakaraborty. There is direct nexus between the deliberations that took place in the meeting and the suicide committed by the deceased just thereafter.
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> xxx xxx xxx
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> 39. Coming to the factual matrix of the present case, the statement of Sunita Jain wife of the deceased is relevant & attains importance with reference to the statements of Sudhir Kumar Ojha and Jayant Kumar Ghatak. Sudhir Kumar Ojha and Jayant Kumar Ghatak have specifically stated that the deceased was humiliated in the meeting. He was given a letter to do the job on a lower cadre post in merchandising. Deceased was working in the establishment for the last about 23 years. Without any inquiry or leveling any charge against him, he was asked to work on a lower post, although it is true that it is a matter between the employer and employee, which is contractual obligation.
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> 40. Learned counsel for the petitioners has contended that the contractual relationship between the employer and employee in the company was such that the employer could have asked the employees to work on any post. It is further contended that in the list of employees who had opted the VRS scheme, name of the deceased was not there. Deceased had not opted for voluntary retirement. This aspect attains importance.
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> xxx xxx xxx
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> 46. In the present case, the deceased was so much humiliated publicly that, just after the meeting, he went to his room and committed suicide. There is a direct link between the meeting and the commission of suicide. Deceased was being continuously humiliated and tortured to either

> accept the VRS or to accept the letter of working in the merchandising department, which is in lower grade than the grade wherein the deceased was functioning. It is the cause which instigated the deceased to take the extreme step. The accused Nipun Aneja, Z.I. Alvi and Manish Kumar Sharma are the officers of the employer-company, who were present in the meeting, had every reason to humiliate the deceased to an extent that he should accept their dictates, otherwise the deceased would have not taken the extreme step. In this reference, statement of wife of the deceased also attains importance wherein she has stated that the deceased was under continuous mental pressure and depression due to behaviour of the accused. Specific allegations have been levelled by Jayant Kumar Ghatak and Sunil Kumar Ojha against the accused petitioners Nipun Aneja, Z.I. Alvi and Manish Mukar Sharma."

11 Thus, according to the High Court, the deceased committed suicide on account of instigation in the form of harassment & humiliation at the end of the appellants. The question is in what manner the appellants could be said to have instigated the deceased that ultimately led him to commit suicide.

12 *Prima facie*, it appears that two things weighed with the High Court. First, the two police statements of the colleagues of the deceased referred to above & secondly, the act on the part of the appellants in handing over the letter to all the salesmen present in the meeting including the deceased containing instructions therein to do the work of merchandising. This according to the High Court amounted to demotion.

13 The law governing Section 306 of the IPC is well settled. Section 306 of the IPC reads as under:-

> "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."

14 Thus, the basic ingredients to constitute an offence under Section 306 of the IPC are suicidal death and abetment thereof. Abetment of a thing is defined under Section 107 of the IPC as under:-

> "107. Abetment of a thing.– A person abets the doing of a thing, who–
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> First. – Instigates any person to do that thing; or
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> 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
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> Thirdly.– Intentionally aids, by any act or illegal omission, the doing of that thing.
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> 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.
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> 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."

15 In the decision of this Court in case of ***Netai Dutta v. State of West Bengal***, reported in (2005) 2 SCC 659, an employee of a company was transferred from one place to another. However, he failed to join. Thereafter, he sent a letter of resignation expressing his grievance against stagnancy to salary and unpleasant situation. The company accepted the resignation.

Thereafter, the said employee committed suicide. He left behind a suicide note, alleging therein that Netai Dutta and, one Paramesh Chatterjee engaged him in several wrong doings. The same was alleged as, torture. The brother of the deceased filed complaint, against Netai Dutta and others under Section 306 of the IPC. A learned Single Judge of the High Court of Calcutta declined to quash the complaint. In appeal, however, this Court while quashing the complaint, at paragraphs 5 and 6 observed as under:

> "5. There is absolutely no averment in the alleged suicide note that the present appellant had caused any harm to him or was in any way responsible for delay in paying salary to deceased Pranab Kumar Nag. It seems that the deceased was very much dissatisfied with the working conditions at the work place. But, it may also be noticed that the deceased after his transfer in 1999 had never joined the office at 160 B.L. Saha Road, Kolkata and had absented himself for a period of two years and that the suicide took place on 16-2-2001. It cannot be said that the present appellant had in any way instigated the deceased to commit suicide or he was responsible for the suicide of Pranab Kumar Nag. An offence under Section 306. IPC would stand only if there is an abetment for the commission of the crime. The parameters of the "abetment" have been stated in Section 107 of the Penal Code, 1860. Section 107 says that a person abets the doing of a thing, who instigates any person to do that thing : or engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission taken place in pursuance of that conspiracy, or the person should have intentionally aided any act or illegal omission. The explanation to. Section 107 says that any willful misrepresentation or willful concealment of a material-fact which he is bound to disclose, may also come within the contours of "abetment"
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> (Emphasis supplied)
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> 6. In the suicide note, except referring to the name of the appellant at two places, there is no reference of any-act or incidence where by the appellant herein is alleged to

> have, committed any willful act or omission or intentionally aided or instigated the deceased) Pranab Kumar Nag to committing the act of suicide. There is no case that the appellant has played any part or any role in any conspiracy, which ultimately instigated or resulted in the commission of suicide by deceased Pranab Kumar Nag."

16 This Court, thereafter at para 7, *inter alia*, observed that—

> "7. ….The prosecution initiated against the appellant would only result in sheer harassment to the appellant without any fruitful result. In our opinion, the learned single Judge seriously erred in holding that the first information report against the appellant disclosed the elements of a cognizable offence. There was absolutely no ground to proceed against the appellant herein."

17 This Court in ***Geo Varghese v. State of Rajasthan and another*** reported in (2021) 19 SCC 144, after considering the provisions of Section 306 of the IPC along with the definition of abetment under Section 107 of the IPC, has observed as under:-

> "14. Section 306 of IPC makes abetment of suicide a criminal offence and prescribes punishment for the same.
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> . . . .
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> 15. The ordinary dictionary meaning of the word 'instigate' is to bring about or initiate, incite someone to do something. This Court in Ramesh Kumar Vs. State of Chhattisgarh, (2001) 9 SCC 618, has defined the word 'instigate' as under:-
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> > "20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act"."
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> 16. The scope and ambit of Section 107 IPC and its co-relation with Section 306 IPC has been discussed repeatedly by this Court. In the case of S.S. Cheena Vs.

Vijay Kumar Mahajan and Anr (2010) 12 SCC 190, it was observed 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, 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.""

18 This Court in ***M. Arjunan v. State***, ***represented by its Inspector of Police*** reported in (2019) 3 SCC 315, while explaining the necessary ingredients of Section 306 of the IPC in detail, observed as under:-

> "7. The essential ingredients of the offence under Section 306 I.P.C. are: (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 IPC."

19 This Court in ***Ude Singh & Others v. State of Haryana*** reported in (2019) 17 SCC 301, held that in order to convict an accused under Section 306 of the IPC, the state of mind to commit a particular crime must be

visible with regard to determining the culpability. It was observed as under:-

> "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 behavior 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 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."

20 This Court in ***Mariano Anto Bruno & another v. The Inspector of Police*** reported in 2022 SCC OnLine SC 1387, Criminal Appeal No. 1628 of 2022 decided on 12th October, 2022, after referring to the above referred decisions rendered in context of culpability under Section 306 of the IPC observed as under:-

> "44. …It is also to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their 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."

21 The ingredients to constitute an offence under Section 306 of the IPC (abetment of suicide) would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account of great disturbance to the psychological imbalance of the deceased such incitement can be divided

into two broad categories. First, where the deceased is having sentimental ties or physical relations with the accused and the second category would be where the deceased is having relations with the accused in his or her official capacity. In the case of former category sometimes a normal quarrel or the hot exchange of words may result into immediate psychological imbalance, consequently creating a situation of depression, loss of charm in life and if the person is unable to control sentiments of expectations, it may give temptations to the person to commit suicide, e.g., when there is relation of husband and wife, mother and son, brother and sister, sister and sister and other relations of such type, where sentimental tie is by blood or due to physical relations. In the case of second category the tie is on account of official relations, where the expectations would be to discharge the obligations as provided for such duty in law and to receive the considerations as provided in law. In normal circumstances, relationships by sentimental tie cannot be equated with the official relationship. The reason being different nature of conduct to maintain that relationship. The former category leaves more expectations, whereas in the latter category, by and large, the expectations and obligations are prescribed by law, rules, policies and regulations.

22 The test that the Court should adopt in this type of cases is to make an endeavour to ascertain on the basis of the materials on record whether there is anything to indicate even *prima facie* that the accused intended the consequences of the act, i.e., suicide. Over a period of time, the trend of the

courts is that such intention can be read into or gathered only after a full-fledged trial. The problem is that the courts just look into the factum of suicide and nothing more. We believe that such understanding on the part of the courts is wrong. It all depends on the nature of the offence & accusation. For example, whether the accused had the common intention under Section 34 of the IPC could be gathered only after a full-fledged trial on the basis of the depositions of the witnesses as regards the genesis of the occurrence, the manner of assault, the weapon used, the role played by the accused etc. However, in cases of abetment of suicide by and large the facts make things clear more particularly from the nature of the allegations itself. The Courts should know how to apply the correct principles of law governing abetment of suicide to the facts on record. It is the inability on the part of the courts to understand and apply the correct principles of law to the cases of abetment of suicide, which leads to unnecessary prosecutions. We do understand and appreciate the feelings and sentiments of the family members of the deceased and we cannot find any fault on their part if they decide to lodge a First Information Report with the police. However, it is ultimately for the police and the courts of law to look into the matter and see that the persons against whom allegations have been levelled are not unnecessarily harassed or they are not put to trial just for the sake of prosecuting them.

23 In the case on hand, the entire approach of the High Court could be said to be incorrect. The High Court should have examined the matter keeping in mind the following:

(a) On the date of the meeting, i.e., 03.11.2006, did the appellants create a situation of unbearable harassment or torture, leading the deceased to see suicide as the only escape? To ascertain this, the two statements of the colleagues of the deceased referred to by us were sufficient.

(b) Are the appellants accused of exploiting the emotional vulnerability of the deceased by making him feel worthless or underserving of life leading him to commit suicide?

(c) Is it a case of threatening the deceased with dire consequences, such as harm to his family or severe financial ruin to the extent that he believed suicide was the only way out?

(d) Is it a case of making false allegations that may have damaged the reputation of the deceased & push him to commit suicide due to public humiliation & loss of dignity.

24 The aforesaid are just illustrations that could be considered as abetment under the law in the facts & circumstances of a given case.

25 In the overall view of the matter, we are convinced that putting the appellants to trial on the charge that they abetted the commission of suicide by the deceased will be nothing but abuse of process of law. In our opinion, no case worth the name against the appellants is made out.

26 In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court is set aside. The proceedings of Criminal Case No 11428 of 2007 pending in the court of Chief Judicial Magistrate, Lucknow are hereby quashed.

27 Pending applications, if any, stand disposed of.

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
October 3, 2024
CKB

ITEM NO.101 COURT NO.10 SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No.654/2017

NIPUN ANEJA & ORS. Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH Respondent(s)

(With IA No.184286/2024 - EARLY HEARING APPLICATION and IA No. 184287/2024 - EXEMPTION FROM FILING O.T.)

Date : 03-10-2024 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) **Mr. Gagan Gupta, Sr. Adv.**
Mr. Nikhil Jain, AOR
Ms. Divya Jain, Adv.
Mr. Ananta Prasad Mishra, Adv.

For Respondent(s) **Mr. Shaurya Sahay, AOR**
Mr. Aditya Kumar, Adv.

Mr. Pramod Kumar Singh, Adv.
Mr. Vijay Pal, Adv.
Mr. Varinder Kumar Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

1 The appeal is allowed in terms of the signed reportable order.

2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR) **(SAROJ KUMARI GAUR)**
A.R.-cum-P.S. **Assistant Registrar**
(Signed reportable order is placed on the file)