2025 INSC 1089

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1044 OF 2018

GEETA …APPELLANT (S)

VERSUS

THE STATE OF KARNATAKA …RESPONDENT(S)

J U D G M E N T

K.V. Viswanathan, J.

1. The present appeal challenges the judgment of the High Court of Karnataka, Kalaburagi Bench, Kalaburagi dated 27.04.2018 in Criminal Appeal No.3658 of 2011. By the said judgment, the appellant's conviction under Section 306 of the Indian Penal Code (for short the "IPC"), as recorded by the Trial Court, was confirmed. However, the appellant was acquitted of the offence under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short the "SC/ST Act"). Insofar as the sentence imposed for offence under Section 306 IPC was concerned,

the High Court thought it fit to modify the sentence of five years, as imposed by the Trial Court, to that of three years imprisonment. However, the fine of Rs. 5000/-, as imposed by the Trial Court, was maintained, with a default sentence of six months for non-payment of fine.

2. The Trial Court had convicted the appellant for offence under Section 306 IPC as well as for offence under Section 3(2)(v) of the SC/ST Act. While the sentence of five years imprisonment was imposed for offence under Section 306, life imprisonment had been imposed along with a fine of Rs. 5,000/- for offence punishable under Section 3(2)(v) of the SC/ST Act.

3. We have heard Mr. Sharanagouda Patil, learned counsel for the appellant and Mr. D. L. Chidananda, learned counsel for the State. We have perused the records, including the Trial Court records.

4. The present matter pertains to an unfortunate incident that happened on 12.08.2008 when the deceased-Sarika, daughter of Peeraji Narayankar, set herself on fire around 10:00 p.m. in the night. She was taken to the Government Hospital, Bijapur for treatment. At the hospital, the deceased gave a statement before PW-16, Police

Inspector Nagarjuna, which was exhibited as Ex. P-8. PW-16 – Nagarjuna, deposed that he received MLC from Bijapur District Hospital stating that a person by name Sarika was admitted to the hospital with burn injuries. After getting confirmation from the doctor about fitness of Sarika to give statement, he recorded the statement and obtained her thumb impression. PW-19 – Dr. Dileepa Ganjihala corroborated the statement to the effect that Sarika was conscious and was in a position to answer the questions. She had suffered about 58% burn injuries. Similarly, PW-20 – Dr. Shivanagowda Patil, also deposed that, on 13.08.2008, when PSI requested through a letter to give opinion as to whether Sarika was in a position to give a statement or not, he made an endorsement on the office copy that the injured was in a fit condition to give statement. The letter and the endorsement were marked as Ex. P-21 and Ex. P-21(a).

5. The statement marked as Ex. P-8, which formed the basis for the complaint and F.I.R., reads as under:

> "My place is Vijaypur and I stay in above mentioned address. Geeta W/o. Raju Imdikar, they are staying in our Colony since 6 years, and since 6 months they have shifted to the house situated in front of my house which belongs to one Mahadev Pol.

I have completed I.T.I and now studying in B.A III year. I take tuition classes to small children in my home. At the rented house of Geeta W/o Raju Indikar which is situated in front of our home, there used to come some other boys and make noise which troubled me as a result I told to Geeta Indikar Not to make noise as it disturbs me, for that she used to abuse me by saying "you bitch, what you advise me it's my house we do anything whatever we feel like" and " this dorr bitch is not married even after 25 years of age". Like that she used to harass me when she saw me she used to hurt me talking to me indecently. My father Peeraji and my mother Renuka have advised Geeta Indikar many times but still Geeta has abused me and insulted since 6 months as a result I was very much hurt.

On last Sunday dated: 10.08.2008 when I was watching TV with my brother Sanket in my home at the time Geeta Indikar came there and scolded me and my brother by saying "why did you scold our boy Rahul @ Vinayak what that little kid has done" with her sister 1. Mala 2. Meena 3. Suhasini they have also come and abused me in filthy language like bitch etc. On that day my brother and my parents had advised them and stoped the fight for which I didn't say anything.

Yesterday on 12.08.2008 at about 8 in the evening myself and my brother Sanket and my mother Renuka were present in front of home 1. Geeta W/o. Raju Indikar 2) Raju Indikar 3) Mala D/o. Narayan Sindagi 4) Meena D/o. Narayan Sindagi 5) Suhasini D/o. Narayan Sindagi, these five members came and stood in front of our home and abused me by saying "you Dorr bitch you are not married yet and you argue with us" and also gave life threat all together assaulted my mother and me with hands and insulted and abused by saying "die you bitch" and all, that hurt me mentally so yesterday on 12.08.2008 at about 10 O'clock in the night I took 5 liter can of oil from our kitchen and poured it on myself and ignited myself with the matchstick. When it started burn when my clothes were burnt and I started screaming at that time my mother Renuka and Pulabai w/o Yallappa, Sherkhan bibi from our colony came and extinguished the fire, by time my

> brother, my mother and Pulabai took me in an auto rickshaw to the Govt. Hospital Vijapur and admitted me for treatment, my face, chest, stomach, hands and legs, knees and thighs were burnt and the skin had peeled off.
> The above mentioned 5 accused since 6 months have fought with me and abused me and insulted me by saying "this Dorr bitch is not married even after 25 years of age" and yesterday on 12.08.2008, 5 of them came to our home and assaulted me and my mother with their hands in front of my house as result I was mentally troubled, I myself poured kerosene oil and ignited fire on myself and tried to commit suicide in our kitchen and this complaint is against the above mentioned 5 persons and yesterday I suffered a lot but now I am feeling better. This I am stating before you to write it down."

6. It can be seen that the complainant had stated that she was taking tuition classes for small children in her house; that there was persistent noise coming from the house of the appellant and that she had repeatedly told the appellant to ensure that there was no noise as it disturbed her tuition. The deceased had stated that the appellant abused by calling her a bitch and telling her that they will do whatever they feel like. The appellant is alleged to have further stated that the deceased, though 25 years of age, was not married. Two days before the incident, on 10.08.2008, the deceased stated that when she was watching TV with her brother Sanket at home, the appellant came and scolded both of them by saying *"why did you scold our boy Rahul @*

Vinayak what that little kid has done". According to the deceased, the appellant came with her sisters Mala, Meena and Suhasini and abused her by calling her a bitch. She stated that her brother and parents advised them, stopped the fight and she did not say anything. According to the deceased, on 12.08.2008, at about 8 pm in the evening when she and her brother-Sanket, and mother-Renuka, were present, Geeta W/o Raju Indikar, Raju Indikar, Mala D/o Narayan Sindagi, Meena D/o Narayan Sindagi and Suhasini D/o Narayan Sindagi came and stood in front of her house and abused her by saying *"you Dorr bitch you are not married yet and you argue with us"* and also gave life threat and assaulted her mother and herself with hands and insulted and abused by saying *"die you bitch"*. According to the deceased, all this hurt her mentally so she on 12.08.2008 at about 10 O'clock in the night took five litres can of oil from her kitchen and poured it on herself and ignited herself with a matchstick. She stated that her mother, Pulabai and Sherkhan Bibi extinguished the fire, and her brother, mother and Pulabai took her in autorickshaw to the Government Hospital. The deceased succumbed to her injuries on 02.09.2008 *i.e.*, about three weeks after the incident.

7. The Investigating Officer filed chargesheet against all the five accused, namely,

1. Geeta W/o Raju Indikar – the appellant;
2. Raju S/o Sidram Indikar – since acquitted;
3. Mala D/o Narayan Sindagi – since acquitted;
4. Meena W/o Lokesh Agasar – since acquitted;
5 Suhasini D/o Narayan Sindagi – since acquitted;

for offences punishable under Sections 143, 147, 323, 504, 506 and 306 read with Section 149 IPC and Section 3(1)(xi) of the SC/ST Act. At the trial, after framing of charges, prosecution examined twenty witnesses and marked documents as Ex. P-1 to P-25 and Material Objects as MO-1 to MO-3. The statements of the accused were recorded under Section 313 of the Code of Criminal Procedure, 1973.

8. The Trial Court, after appreciating the evidence, held that the evidence does not reveal any specific overt act of accused Nos.3 to 5 insofar as the incident dated 10.08.2008 was concerned. It further found that no overt act of accused Nos.2 to 5 was noted insofar as the incident of 12.08.2008 was concerned in the complaint Ext.P-8. The Trial Court found the statement to be omnibus and in general and did not reveal that accused Nos. 2 to 5 have been actively assisting

accused No. 1 Geeta (appellant) in irritating or annoying the deceased by words, deed and did not indicate that they had intention to provoke the deceased to commit suicide. The Trial Court found that there was no cogent evidence to establish that accused Nos. 2 to 5 were involved in the offence.

9. However, the Trial Court found that the statement Ex.P-8 read with the oral testimony of PWs-5, 6, 8, 9,10 and PW-16 lend credence to the prosecution theory that accused No.1 – appellant herein, has been irritating or annoying the deceased by words and deed to make the deceased to react. It was also found that the appellant had intention to provoke, incite, urge or encourage the deceased to commit suicide. The Trial Court also found that accused No.1, in view of the abuses attributed to the deceased was also liable for punishment under Section 3(2)(v) of the SC/ST Act. In the end analysis, the Trial Court acquitted A2 to A5 of all the offences.

10. Accused No.1 – appellant was acquitted of the offences punishable under Sections 143 (punishment for being a member of unlawful assembly), 147 (punishment for rioting), 323 (punishment for voluntarily causing hurt), 504 (punishment for intentional insult

with intent to provoke breach of the peace), 506 (punishment for criminal intimidation) read with Section 149 (prosecution of common object). However, the Trial Court convicted the appellant for the offence punishable under Section 3(2)(v) of SC/ST Act and Section 306 of IPC (abetment of suicide). Sentences, as indicated hereinabove, were imposed on the appellant.

11. The appellant filed a Criminal Appeal before the High Court. The State accepted the Trial Court judgment insofar as the acquittals were concerned. The High Court acquitted the appellant for offence punishable under Section 3(2)(v) of the SC/ST Act, as the material available on record was insufficient, and set aside the conviction and the sentence of life imprisonment. It will be noticed that the High Court recorded the following crucial finding:-

> "11. After hearing the learned counsel for the appellant as well as the learned Additional State Public Prosecutor and when the judgment impugned is looked into; what is seen is that a minor fight between the victim and the first accused-appellant which has spread over for more than six months· prior to the incident has taken an ugly turn on the ill-fated day. The victim though an educated and accomplished women who was working as private teacher could not sustain constant harassment by the first accused in the form of fight has taken the extreme step to commit suicide. Assuming for a moment, if the accused has really taken the caste name to insult the victim, most of the neighbours who

are witnesses on behalf of prosecution being members of the same community would have definitely stood by the victim while giving evidence. In fact, it is only one eyewitness who is neighbour examined as P.W.6 supported the case of prosecution as against the evidence of P.W.7, 11 and 15 who are three immediate neighbours of the victim have not supported the case of prosecution with reference to accusation made by first accused taking the name of the victim's (sic).

12. Therefore, in this background what should be understood is that the victim is a sensitive person and ……., when she did not have any support in her fight against with the first accused; as against that first accused had the support of her family members who are accused Nos.2 to 5 made her feel thoroughly miserable and having felt that she lost the fight, has impulsively promoted her to take the extreme step of committing suicide, which is at the height of the depressed mood which consequently resulted in her death. It is after the incident, the victim has stated in her complaint that she was ill-treated taking the name of her caste which is not supported oy most of her neighbours, except in all of them stating that the victim and first accused were being immediate neighbours were not in cordial terms and they always used to fight.

13. In this background, this Court find that the finding of the Court below in holding that the accusation against first accused is established so far as offence under Section 306 of IPC, appears to be just and proper. However, when it comes to the offence alleged under Section 3 (2) (v) of SC/ST (PA) Act, 1989 is concerned, the material available on record is not sufficient. In spite of that, the Court below has committed serious error in convicting the first accused for the aforesaid offence and consequently imposing the punishment of life imprisonment to her, which does not stand to reason in the fact situation. Both from the point averments in the complaint and as well as the evidence available on record in support thereof"

12. From the judgment of the High Court, it is clear that: -

A. A minor fight between the victim and the appellant which had spread over six months took an ugly turn on the ill-fated day. The victim, though was an educated and accomplished woman who was working as a private teacher, could not sustain the constant harassment by the first accused and had taken the extreme step of committing suicide. Most of the neighbours have not supported the case of the prosecution with respect to the first accused taking the name of the victim's caste.

B. It should be understood that the victim was a sensitive person and did not have any support in the fight against the first accused. As the first accused had support of her family, the victim felt miserable having felt that she lost the fight, which impulsively prompted her to take the extreme step of committing suicide, at the height of depressed mood consequently resulting in her death.

C. It is only after the incident, the victim has stated in her complaint that she was ill-treated by taking the name of her caste which is not supported by most of her neighbours, except

that all of them stated that the victim and the first accused being immediate neighbours were not in cordial terms and always used to fight.

13. It is in this background that we have to analyse the evidence while appreciating the contention of the learned counsel for the parties. Though the victim alleged that caste abuses were used, evidence was found lacking resulting in acquittal of all the five accused on that score. The other four family members A2 to A5 have been acquitted of offence punishable under Section 306 also. The appellant herself has been acquitted of offences like being a member of the unlawful assembly, rioting, causing hurt, criminal intimidation, and intentional insult with intent to provoke breach of the peace. Those acquittals have attained finality. Acquittal for offence under the SC/ST Act has also attained finality.

14. We are only to examine whether, taking the prosecution case at its highest, conviction of the appellant under Section 306 could be sustained. Is the evidence against the appellant of such nature that the overt acts attributed to her left the victim with no option except to

commit suicide? We think not and we say so for the following reasons.

15. Though 'love thy neighbour' is the ideal scenario, neighbourhood quarrels are not unknown to societal living. They are as old as community living itself. The question is whether on facts there has been a case of abetment of suicide?

16. We have minutely scanned the evidence adduced by the prosecution. PW-5 Sanket, the brother of the deceased, testified broadly corroborating the version set out in the complaint. His narration about the events that transpired on 12.08.2008 are omnibus and general in nature. He also admits that they did not go to the Police Station to file a complaint. He even speaks of the fact that he was part of the group of persons who pacified the quarrel. PW-6 Phulabai was a neighbour cited as an eye-witness to the incident. On being asked in cross-examination that she had not mentioned in her statement about the appellant having assaulted the mother of the victim and catching her hair, she deposed to the effect that she did not remember. PW-8 Sathyavva@Sakkubai, was a neighbour, and PW-9 Renuka, the mother of the Victim has also deposed on behalf of the prosecution.

Their evidence is on the same lines as that of the complaint lodged by the victim.

17. For the purpose of examining whether the ingredients of Section 306 are attracted, we take the prosecution case as it is. Taken at its highest, there is definitely evidence on record to show that over a period of few months the neighbours were at loggerheads. While the victim felt that her tuition classes were being disturbed, the appellant's family have also had a grievance about the victim and her family scolding the children of the appellant's household. There is no doubt that not only were there heated exchanges, but physical blows were also alleged to have been administered by the appellant's party. Insofar as delivering of physical blows are concerned, today the appellant stands acquitted for the offence punishable under Section 323. She stands acquitted even for the offences punishable under Section 504 and 506. The State has not preferred any appeal.

18. Even if we were to assume that physical blows were administered, will that per se constitute abetment to suicide? This Court in a case where the accused told the deceased *"go and die"* and

when thereafter, the deceased committed suicide, absolved the accused of the charge under Section 306 by holding as under:

> "3. ...Those words are casual nature which are often employed in the heat of the moment between quarrelling people. Nothing serious is expected to follow thereafter. The said act does not reflect the requisite mens rea on the assumption that these words would be carried out in all events. ..."
>
> **[Swamy Prahaladdas Vs. State of M.P. and Another, (1995) Supp (3) SCC 438]**

19. This Court in ***Madan Mohan Singh*** Vs. ***State of Gujarat and Another,*** (2010) 8 SCC 628, held that in order to bring out an offence under Section 306 IPC specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It was further held that the intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for attracting Section 306.

20. In ***Amalendu Pal alias Jhantu*** Vs. ***State of West Bengal,*** (2010) 1 SCC 707, this Court held that the harassment meted out to the victim should have left the victim with no other alternative but to put an end to his/her life.

21. In ***M. Mohan*** Vs. ***State***, (2011) 3 SCC 626, this Court followed the dictum in ***Ramesh Kumar*** Vs. ***State of Chhattisgarh***, (2001) 9 SCC 618, wherein it was held as under:

> "41. This Court in SCC para 20 of Ramesh Kumar has examined different shades of the meaning of "instigation". Para 20 reads as under: (SCC p. 629)
>
> > "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."
>
> In the said case this Court came to the conclusion that there is no evidence and material available on record wherefrom an inference of the appellant-accused having abetted commission of suicide by Seema (the appellant's wife therein) may necessarily be drawn."
>
> Thereafter, this Court in ***Mohan (supra)*** held:-
>
> 45. The intention of the legislature and the ratio of the cases decided by this Court are 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 this act must have been intended to push the deceased into such a position that he/she committed suicide."

22. This Court in ***Mahendra Awase*** Vs. ***The State of Madhya Pradesh,*** 2025 INSC 76, after analyzing the long line of precedents held as under: -

> "18. As has been held hereinabove, to satisfy the requirement of instigation the accused by his act or omission or by a continued course of conduct should have created such circumstances that the deceased was left with no other option except to commit suicide. It was also held that a word uttered in a fit of anger and emotion without intending the consequences to actually follow cannot be said to be instigation."

23. Applying the tests laid down hereinabove, we are not able to persuade ourselves to hold that when the appellant's family and the victim's family had heated exchanges, there was any intention to abet or to cause any member of either family to take their own life. These quarrels occur in everyday life, and on facts we are not able to conclude that there was an instigation on the part of the appellant to such an extent that the victim was left with no other option but to commit suicide.

24. In view of what has been held above, we find that the appellant is not guilty of the offence under Section 306. We acquit her of the

charge under Section 306. The net result is that, the appeal stands allowed and impugned judgment of the High Court of Karnataka, Kalaburagi Bench, Kalaburagi dated 27.04.2018 in Criminal Appeal No.3658 of 2011 is set aside. The appellant is on bail. Her bail bonds stand discharged.

…….J.
[**B.V. NAGARATHNA**]

…….J.
[**K. V. VISWANATHAN**]

New Delhi;
9th September, 2025