

Ranjeet Mittal
v.
The State of Madhya Pradesh & Anr. Etc. Etc.

(Criminal Appeal No(s). 3680-3682 of 2024)

03 September 2024

[Vikram Nath and Prasanna B. Varale, JJ.]

Issue for Consideration

High Court whether justified in quashing the charges against Respondent Nos.2-5 (husband and in-laws of the victim-deceased) holding that prima facie the respondents did not abet the deceased to commit suicide.

Headnotes[†]

Code of Criminal Procedure, 1973 – s.482 – Penal Code, 1860 – ss.498-A, 306, 34, 302, 201 – Victim died after allegedly falling off from terrace – Trial court framed charges against Respondent Nos.2-5 for abetment to commit suicide – Charges if rightly quashed by High Court:

Held: No – High Court erred in quashing the order of trial court framing charges – Deceased was being abused and ill-treated in her matrimonial home – There was a serious argument between her and her husband right before she allegedly fell off from terrace – The husband took her to hospital on a handcart (thela) despite having alternate options of using the Car – No ornaments were found on her body – For quashing of criminal charges it must be shown that there is no sufficient evidence to prove a prima facie case against the accused persons – However, in the present case, considering the statements by witnesses indicating abuse and torture of deceased by her in-laws and other factual circumstances, prima facie case is made against the accused persons – Given the statements of witnesses, suspicious circumstances around death of deceased and gravity of offense, the trial needs to be conducted to reach to the truth – Orders passed by High Court, set aside – Trial to proceed from the stage of framing of charges. [Paras 18, 19, 21, 22]

Case Law Cited

CBI v. Aryan Singh [2023] 2 SCR 819 : 2023 SCC OnLine SC 379 – relied on.

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Code of Criminal Procedure, 1973; Penal Code, 1860.

List of Keywords

Abetment to commit suicide; Quashing of charges; Abuse, Ill-treatment, Torture of deceased by in-laws; Fallen off from terrace; Suspicious circumstances; Gravity of offense; Deceased abused; Matrimonial home; Handcart (thela).

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal Nos. 3680-3682 of 2024

From the Judgment and Order dated 08.05.2023 of the High Court of M.P. at Gwalior in CRLR Nos. 5766, 5767 and 5768 of 2019

Appearances for Parties

Abhay Gupta, Atul Gupta, Paramjeet Singh, Deepak Singh, Saksham Kapoor, Praveen Swarup, Advs. for the Appellant.

Amit Sharma, A.A.G., Yashraj Singh Bundela, Kameshwar Nath Mishra, Mrs. Pratima Singh, Chanakya Baruah, Ms. Saloni, Shishir Kumar Saxena, R.N. Pareek, Ankur Parihar, Prashant Chaudhary, Advs. for the Respondents.

Judgment / Order of the Supreme Court**Order**

1. Leave granted.
2. The appellant assails the common order dated 08.05.2023 passed by High Court for Judicature of Madhya Pradesh at Gwalior in Criminal Revision No.5766 of 2019, Criminal Revision No. 5767 of 2019 and Criminal Revision 5768 of 2019 whereby the High Court allowed Criminal Revision filed by Respondent no. 2 to 5 and quashed the order dated 07.11.2019 passed by 3rd Additional Session Judge, District- Vidisha against Respondent No. 2 framing charges under section 498-A, 306 read with Section 34 IPC and in alternate under Section 302 read with Section 34, and 201 of Indian Penal Code. By the same order, the High Court also quashed the order passed

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on 13.11.2019 against Respondent No. 3 to 5, framing charges under section 498-A, 306 read with Section 34 and in alternate under Section 302 read with Section 34 of Indian Penal Code. The Appellant Ranjit Mittal is the son of Complainant- Mr. Kailash Mittal who passed away on 21.02.2023. The Complainant was father of Anjali Agarwal, the deceased.

3. The brief facts leading to framing of charges against Respondent No.2 to 5 are as follows:
4. Deceased Anjali Agarwal was married to Respondent No.2 Sulabh Agarwal on 06.05.2006. After three years of marriage, daughter Mohi was born to them. In 2015, they had a son named Anshaj. She was living in her matrimonial home at Arihant Vihar Colony in Vidisha with her mother-in-law- Madhu Agarwal and father-in-law- Kailash Babu Agarwal who are Respondent No. 3 and 4 respectively. Respondent No. 5, Shilpi Agarwal is sister-in-law of the deceased and she is married.
5. On 10.03.2018, a Merg intimation was registered at Police Station- Kotwali, District- Vidisha (M.P.) based on information by a ward boy working in District Hospital Vidisha that deceased Anjali Agarwal was brought dead to Hospital. She was brought by husband of the deceased Anjali Agrawal. It was reported that she had fallen from the terrace of her house. Thereafter, Merg No.16/2018 under Section 174 of Cr.P.C. was recorded. Dead-body panchnama was prepared and dead body was sent for postmortem. As per the postmortem report dated 10.03.2018, the cause of death was hemorrhage and mode of death was shock.
6. It is to be noted that on 10.03.2018, around 10.30 in morning the neighbor of the deceased- Sandeep Sunhare saw her lying on her stomach at a backdoor of another house. He informed her husband Sulabh Agarwal and all people assembled. Respondent took her to Chetan hospital by placing her on handcart. Another neighbor of the deceased, Mona Singh has stated that Anjali was not wearing anything on her hands and feet.
7. On 17.05.2018, First Information Report (FIR No. 0381/2018) was registered against Respondent No. 2 Sulabh Agarwal under section 498-A and 306 of IPC. Further Section 201 and 34 of IPC were added against Respondent No. 2 to 5. Respondent No.2 to 5 were arrested on 22.07.2018 and 08.07.2019.

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8. After the investigation, charge-sheet bearing no. 292/19 was filed under section 498 A, 306, 201 and 34 of IPC against the Respondent No. 2 to 5 on 27.09.2019. In the charge sheet, 27 witnesses were cited for examination. The case was committed for trial as ST No. 55/2019 before the 3rd Additional Session Judge, District Vidisha.
9. Thereafter, Charges were framed by the 3rd Additional Session Judge, District- Vidisha against the Respondent No. 2 under section 498 A, 306 read with Section 34 of IPC and in alternate section 302 read with section 34 and 201 of IPC by order dated 07.11.2019. Against the Respondent No. 3 to 5 Charges were framed under section 498-A, 306 read with section 34 of IPC and in alternate under section 302 read with section 34 and 201 of IPC by order dated 13.11.2019.
10. Aggrieved by these orders, the accused Respondents filed Criminal Revisions under section 397 read with section 401 of CrPC, before the High Court of Judicature at Madhya Pradesh. The High Court by the Impugned order, set aside the order of trial court, thereby quashing the charges against Respondent No.2 to 5, holding that prima facie there is no material to show that Respondent accused persons in any manner abetted the deceased to commit suicide and only omnibus allegations have been levelled against them. The High Court also concluded that, at the most, there may be a family dispute, but that does not mean that Respondents have instigated the deceased to commit suicide and there is no evidence of abetment soon before her death. No ingredients for commission of offence under Section 306 or 302 of IPC are made out and matter simply appears to be of family dispute. Thus, it quashed the criminal proceedings against Respondent no. 2 to 5.
11. The Appellant has filed the present appeals against the order(s) of High Court. At this stage, it is important to consider the Statements recorded in the Merg report under Section 174 of Criminal Procedure Code.
12. As per the statement of Alok Kumar Agrawal, he knew the deceased for 15 years as she was daughter of his aunt's sister-in-law. He is working as Supervisor in private company at Pithampur in District Dhar. The deceased contacted him two and half months before the incidence and they used to talk on phone calls. On the day of

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incidence, around 10 AM, he received a call from unknown number. The husband of deceased Sulabh Agarwal was talking on the other side. He spoke angrily and abused him. After 5-7 minutes Alok Agrawal received another call from Anjali where she was crying and asking him to come to Vidisha. Her husband snatched the phone and again started abusing him. He said that if you are not coming to Vidisha then I will come there. He further said, "now she (Anjali) will go to the hospital and then tell me when will you come. I am giving you time of 12 o'clock." Later around 1.30 PM, Alok got to know about Anjali's death. In his statement he mentions that Anjali was a sensible girl and she cannot commit suicide.

13. The father of the deceased, Kailash Narayan has stated that he received a call from Anjali's in-laws that she has fallen from terrace and she is serious. When he reached her house, he found her dead body after postmortem. He states that they were not told how she fell and he suspects that her in-laws have killed her. After a month of marriage, the deceased had started complaining to him that her in-laws were not satisfied with the dowry they received and were constantly demanding more dowry. After the deceased had daughter, her mother-in-law and sister-in-law were angry and they started beating and abusing her. Even after birth of the son in 2015, they were torturing the deceased and not allowing her to visit parental home.
14. It has been further revealed from the statement of Rajesh Jain, who used to work at house of deceased, that the deceased was not treated well by her in laws as she would often get scolded by them. Additionally, Respondent No. 5 sister-in-law of Anjali, disliked her. She would argue with the deceased whenever she came to the house.
15. The Appellant is brother of deceased. He submits that the phone call with Alok Kumar one hour before the incidence shows foul play. Further, carrying the deceased in handcart ('Thela') despite having neighbors spot ready with their vehicles, creates a doubt that the husband himself did not want to save his wife's life. There is a possibility of him with help of other accused persons, had pushed the deceased from terrace. Further, the fact that deceased was not wearing any jewelry at that time, creates a doubt on conduct of accused.
16. On the other hand, the Respondent No. 2 to 5 submit that FIR has been registered against them only due to pressure of electronic and

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print media. Respondent No. 2 carried the deceased in handcart only because the hospital was close to his house and it would have taken time for a car to get out. Mere harassment does not amount to abetment to suicide. Thus, there is no *prima facie* offence made out against the Respondents as there is no overt act indicating active involvement to instigate the deceased to commit suicide. Further, there were no ante mortem injuries and her injuries have come from falling from terrace. The same has been confirmed by the Medical officers.

17. We have considered the submissions of both the counsels and have perused through the record.
18. From the above facts and testimonies of witnesses, it is evident that deceased struggled in her matrimonial home and relations between her and her in-laws cannot be called healthy. The above testimonies indicate that she was being abused and ill-treated in the house. Additionally, the testimony of Alok Agarwal indicates that there was a serious argument between her and her husband right before she allegedly fell off from terrace. She was taken to hospital by husband on handcart despite having alternate options of using the Car. No ornaments were found on her body.
19. For quashing of criminal charges it must be shown that there is no sufficient evidence to prove a *prima facie* case against the accused person/s. However, in present case, considering the statements by witnesses indicating abuse and torture of deceased by her in-laws and other factual circumstances, *prima facie* case is made against the accused persons. Thus, it would be travesty of justice to put a complete stop on criminal proceedings. Further, the trial shall give adequate opportunity to the accused respondents to defend themselves.
20. This court in [*CBI v. Aryan Singh*](#)¹ has held that,

“10. As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr. P.C., the Court is not required to conduct the mini trial.

1 [\[2023\] 2 SCR 819](#) : 2023 SCC OnLine SC 379

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At the stage of discharge and/or while exercising the powers under Section 482 Cr. P.C., the Court has a very limited jurisdiction and is required to consider “whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not”.

21. Thus, at this stage, we do not deem it necessary to delve into the discussion of whether there is sufficient evidence to fulfil the requirements of particular sections of Indian Penal Code charged against the Respondents. The trial court shall decide whether charges are proved or not in due course. Given the statements of witnesses, suspicious circumstances around death of deceased and gravity of offense, we are of the opinion that the trial needs to be conducted to reach to the truth. Criminal proceedings against accused Respondent No. 2 to 5 shall be thus continued.
22. The High Court erred in quashing the order of trial court framing charges. Accordingly, the Criminal Appeals are allowed and the orders passed by High Court for Judicature of Madhya Pradesh at Gwalior in Criminal Revision No.5766 of 2019, Criminal Revision No. 5767 of 2019 and Criminal Revision 5768 of 2019 are set aside. The trial will proceed as per law from the stage of framing of charges. It is however, made clear that any other observations made in this order shall not influence the Trial Court which shall proceed with the trial and decide the same on the basis of evidence led before it.
23. Criminal Appeals Nos. 003680 – 003682 of 2024 stand allowed as above.

Result of the Case: Appeals allowed.

†Headnotes prepared by: Divya Pandey