

[2025] 2 S.C.R. 452 : 2025 INSC 168

Ayyub & Ors.

v.

State of Uttar Pradesh & Anr.

(Criminal Appeal No. 461 of 2025)

07 February 2025

**[Sanjiv Khanna, CJI, Sanjay Kumar and
K.V. Viswanathan,* JJ.]**

Issue for Consideration

Issue arose as regards the correctness of the order of High Court declining to quash the proceedings against the appellants u/s.306, Penal Code, 1860.

Headnotes[†]

Penal Code, 1860 – s.306 – Abetment of suicide – When not – FIR filed by first appellant-father of ‘Z’ against family of ‘T’ alleging that on suspicion of his relationship with ‘T’ they had beaten ‘Z’ with sticks and fists as a result of which he died – R-2 (cousin brother of ‘T’) filed FIR against the appellants for abetment of suicide of ‘T’ alleging that through verbal utterances they humiliated and tortured ‘T’ and she committed suicide – Offence u/s.306, if made out against the appellants:

Held: No – None of the ingredients required to make out a case u/s.306 is even remotely mentioned in the charge-sheet or borne out from the material on record – There is only one sided version of the complainant-R-2– Charge-sheet proceeded in an unidimensional manner by accepting the version of R-2 and his family members as the gospel truth – Even if the utterance attributed to the appellants is assumed to be true it cannot be said to be of such a nature as to leave the deceased with no other alternative but to put an end to her life – No investigation was done to explore any other angle – The prior lodging of the FIR by the first appellant against the family of ‘T’ for the death of his son ‘Z’ indicates an element of desperation on the part of R-2 to somehow implicate the appellants – Reliance of the

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statements u/s.161, CrPC belatedly also reinforces the suspicion of one-sided, partial and inimical investigation– Reinvestigation directed – Proceedings against the appellants quashed. [Paras 15, 16, 21, 22, 24]

Penal Code, 1860 – ss.306, 107 – Ingredients of s.306 – Discussed.

Case Law Cited

Swamy Prahaladdas v. State of M.P. and Another (1995) Supp. 3 SCC 438; *Madan Mohan Singh v. State of Gujarat and Another*, [2010] 10 SCR 351 : (2010) 8 SCC 628; *Amalendu Pal alias Jhantu v. State of West Bengal* [2009] 15 SCR 836 : (2010) 1 SCC 707; *M. Mohan v. State* (2011) 3 SCC 626; *Ramesh Kumar v. State of Chhattisgarh* [2001] Supp. 4 SCR 247 : (2001) 9 SCC 618; *Mahendra Awase v. The State of Madhya Pradesh*, 2025 INSC 76 – referred to.

List of Acts

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

List of Keywords

Section 306 of Penal Code, 1860; Abetment of Suicide; Ingredients of Section 306 of Penal Code, 1860; Incitement to commit suicide; Intention; Aid or instigate or abet; Suspected Relationship; Verbal utterances; Insult; Humiliated; Tortured; Alleged harassment; No other alternative; 'go and die'; Quashing; One-sided, partial and inimical investigation; Reinvestigation; Unnatural Death.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 461 of 2025

From the Judgment and Order dated 27.07.2023 of the High Court of Judicature at Allahabad in A482 No. 45969 of 2023