

**Raj Rani Vs. State**

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**Court :** Delhi

**Decided On :** Sep-20-1984

**Reported in :** 26(1984)DLT478; 1985(8)DRJ57; 1984RLR669

**Judge :** H.L. Anand, J.

**Acts :** [Indian Penal Code \(IPC\), 1860](#) - Sections 306

**Appeal No. :** Criminal Revision Appeal No. 1 of 1984

**Appellant :** Raj Rani

**Respondent :** State

**Advocate for Pet/Ap. :** K.K. Sud and; Bharati Anand, Advs

**Judgement :**

**H.L. Anand, J.**

(1) This revision petition, which assails the order of the learned Addl. Sessions Judge, in so far as he directed that a charge be framed against the petitioner for abetment of suicide by a young bride, Lata, was accepted by me on September 18, 1984, and the impugned order to the above extent was quashed for reasons to be recorded. Following are my reasons.

(2) Rajinder Kumar, co-accused, and Lata, the victim, were married a little less than a year before the date on which she committed suicide. Rajinder Kumar and Raj Rani, who is a happily married woman of 41 years , of age, with 5 children, the petitioner herein, were sent up for trial on a charge of abetment of suicide by Lata, on the basis of 5 letters allegedly written by Lata to her brother's wife before the unfortunate incident. Raj Rani, the petitioner, is not a relation of Rajinder Kumar but was a neighbour of Rajinder Kumar's brother in Gandhi Nagar, Rajinder Kumar apparently used to stay with his brother in Gandhi Nagar before his marriage and even subsequently there to until he built for himself a house on a plot of land, said to have been made available to him by Lata's father. The plot of land is in Jagjit Nagar. It is probably because of the neighbourly relation that Raj Rani, petitioner, is loosely called or described as an 'aunt' of Rajinder Kumar and is referred to in the impugned order as a 'relation'. It was, however, not disputed that she is in no way related to Rajinder Kumar.

(3) The learned Addl. Sessions Judge directed by the impugned order that charges of abetment of suicide by Lata be framed against Rajinder Kumar, as well as Raj Rani. Rajinder Kumar was apparently reconciled with the order and so far as he is concerned, the order has become final. In the course of the impugned order, the learned Addl. Session Judge posed the question if a charge for abetment could be justified and sought to justify it with reference to 5 letters allegedly written by Lata before the unfortunate incident. When the letters were written, she was staying with her parents in Mathura. According to the learned Addl. Sessions Judge, in the first letter, she complained that she was very much 'tormented' and 'wished to die' as she could not 'tolerate the conditions any further'. She complained that the 'husband did not speak to her,' 'reprimanded her a lot' and she could not get 'love and affection from any corner but received only hatred'. There is no reference to Raj Rani in this letter. In the second letter, according to the learned Addl. Sessions Judge, Lata wrote that she had told Raj Rani that her husband was not speaking to her and 'Rani mentioned this fact to her husband at which her husband was very much annoyed with her.' In the third letter, Lata requested her sister-in-law that 'she should not disclose the conversation she had with her to Gandhi Nagar people', apparently implying either the husband's brother, who lived in Gandhi Nagar, or Raj Rani, who also lived in

the neighborhood. In the fourth and the fifth letters, she mentioned that her husband was still 'annoyed with her' and her brother could not come to see her as it may involve an expense of Rs. 100.00 . In the last letter, she also requested the sister-in-law to send her brother 'to take her from her parents' house to the house of the in-laws. The learned Addl. Sessions Judge then devoted four pages of the judgment to the various decisions on the question of abetment of the act of suicide and concluded thus : 'This means that harassment amounts to abetment, if the persons harassed commits suicide due to that harassment. In the instant case, the letters show that Smt. Lata had been harassed by her in-laws, more particularly by the husband who had given her beating and who had stopped taking dinner at the house and his relation Raj Rani also drove her to commit suicide on account of the ill-treatment meted out to Raj Rani (sic). Accordingly, I am of the view that there is a prima facie case under Section 306 read with 34 Indian Penal Code . is made out against both the accused. I, therefore, order that they be charged accordingly.'

(4) There was considerable controversy as to the ingredients of the offence of abetment of suicide, the extent of scrutiny of the material by the court while considering the question if the accused should be discharged or charge should be framed, and as to the extent to which the High Court could interfere on its revisional side in an order of this type. I, however, feel relieved of the need to go into any of these matters because the impugned order, in so far as it relates to Raj Rani, cannot possibly be sustained, on any reckoning, irrespective of the way one looks at the various legal questions in controversy. Even if one takes the view of law on these matters in the most unfavorable light to the petitioner, it is impossible to say that, on the material before the court, any court or tribunal, duly instructed in the law, could justify the framing of the charge against Raj Rani of abetment of suicide by Lata. Raj Rani is no relation of the parties and admittedly had no monetary or other interest in either of the two families. There is not the slightest suggestion in any of the letters that she, at any stage, incited Lata to commit suicide or to have in any other manner abetted the unfortunate act of suicide. There is no suggestion of any harassment by or maltreatment at the hands of Raj Rani, as indeed there could not be in view of the admitted fact that the petitioner is not a member of the family. The only possible suggestion that can be spelt out of

the second letter is that when Lata had told Rani that her husband was not on speaking terms with her, Rani conveyed her reaction to the husband which apparently made the husband more hostile to her. If the bride complained about the conduct of the husband to a relation or a neighbour it would be normal for the neighbour or the relation to talk to the husband about it and if by such a communication the husband became more hostile, the relation or the neighbour could not possibly be faulted on that account. There was no suggestion of any malice. The only other suggestion in the third letter is that what was conveyed by Lata to her sister-in-law could not be disclosed to 'the people' in Gandhi Nagar. Learned counsel for the State was, therefore, naturally unable to defend the order merely on the basis of the letters and sought to justify the order on the additional ground that Raj Rani was present when her husband broke into the house and found that she had committed suicide. This circumstance is also, by itself, too innocuous to justify an inference that there was ground to presume that Raj Rani had committed an offence of abetment of the act of suicide by Lata. It is no doubt true that there is a proliferation of cases of suicide by young brides, either on account of consistent course of humiliation harassment and torture at the hands of a husband, the mother-in-law, or other relations of the husband or because of tensions in the matrimonial life of couples arising out of the incompatibility, economic conflicts, or lack of social adjustments. but that would not, by itself, justify an innocent person being dragged into the controversy or be subjected to the hardship and indignity of wholly undeserving trial. I have no doubt in my mind that on the existing material, it would be gross abuse of the process of the court to allow the order of the learned Addl. Session Judge, in so far as it relates to the petitioner, to stand.

(5) The petition accordingly succeeds and the impugned order, in so far as it directs the framing of the charge against the petitioner, is quashed. The bail bond and the surety bond furnishing by the petitioner is accordingly discharged.

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