IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO……..OF 2025
(@ Petition for Special Leave to Appeal (Crl.) No.7309 of 2025)

YADWINDER SINGH @SUNNY **APPELLANT(S)**

VERSUS

STATE OF PUNJAB & ANR. **RESPONDENT(S)**

O R D E R

1. Leave granted.

2. This appeal arises from the judgment and order passed by the High Court of Punjab and Haryana dated 17.3.2025 in CRM-M- No.41256 of 2018 by which the petition filed by the appellant herein under Section 482 of the Criminal Procedure Code, 1973 (for short "the Cr.P.C.") seeking quashing of the First Information

Report bearing No.273/2016 dated 7.11.2016 registered with the Chherreta Police Station, Amritsar City, District Amritsar for the offence punishable under Section 306 of the Indian Penal Code, 1860 (for short "the IPC") came to be rejected.

3. The First Information Report lodged by the mother of the deceased reads thus:-

> ***"Statement of Smt. Surinder Kaur wife of Sm. Ravinder Singh, caste jat, resident of C-21, Officer Enclave, Near Thumbs Up Factory, Chhehrata, District Amritsar aged about 51 years. It is stated that I am resident of the above and I am a household lady. I have two children, my elder daughter Pardeep Kaur is working as a Government Advocate and is posted at Amritsar and the younger son Gurtej Singh is residing in Australia for the past 8 years. My husband Ravinder Singh is an agriculturist. Yesterday on 6.11.2016 we had gone to some marriage in relationship. Yesterday being Sunday I and my daughter Pardeep Kaur were alone in the house. My daughter Pardeep Kaur was reading her documents and books in the upper portion of the house. At about 5.30 p.m., in the evening Gurmej Singh, who is a private Advocate and also knows my daughter came to our house and asked me as to where is Pardeep and I told him that she is studying in the upstairs room, who called once or twice, but there was no answer and I and Gursher Singh went to the upstairs room and called my daughter and the door of the room was closed and my daughter opened the room and at that time she was vomiting and I telephoned the friend of my son Tejinder Singh son of Jaswinder Singh***

resident of Bhalla Colony, Chheharata, and we took my daughter to Arora Hospital, who said that you take her to Escort Hospital in our Ambulance, since the matter is serious and we got our daughter admitted in Escort Hospital and during treatment my daughter died at about 11.30 p.m. at night. The reason for the death of my daughter is that there were good relations between my daughter and Yadwinder Singh alias Sunny son of Balwinder Singh, resident of Verka, who is also a Government Advocate and is posted at Batala and last year in 2015 Yadwinaer Singh alias Sunny came to our house and told me that Aunty do not marry Pardeep anywhere else and we like each other and my father is little annoyed and I shall make him understand soon and we shall get married. Then after some time, Yadwinder Singh backed out of marrying my daughter and my daughter told this to us. My daughter has committed suicide after taking some poisonous substance being fed up with Yadwinder Singh. The reason for the death of my daughter is Yadwinder Singh. Strict legal action be taken against Yadwinder Singh alias Sunny son of Balwinder Singh resident of Verka. I have got my statement recorded. I have heard it. It is correct.

Sd/- Surinder Kaur.
Verified:
Karamjit Singh.
ASI P.S. Chhehrata,
District Amritsar.
Dated 7.11.2016."

4. It appears that two days later from the date of registration of the FIR the mother of the deceased gave a supplementary statement before the Police under Section

161 of the Cr.P.C. The same reads thus:-

> ***"Supplementary Statement of Surinder Kaur wife of Ravinder Singh caste Jat, resident of H.No. C-21, Officers Enc1ave Near Thumbs Up Factory, P.S. Chheharta, Amritsar under section 161 CR.P.C.***
>
> ***It is stated that I am the resident of above said address. I have come present in the po1ice station before you. I have got registered FIR with you on 07.11.2016. At that time I was in shock and I had fai1ed to get it written that on 6.11.2016 my daughter was studying in the upper room and at that time she talked with Yadwinder Singh alias Sunny number of times on telephone. The mobile numbers of my daughter are 97800 35273, 79865 22566, and the mobile numbers of Yadwinder Singh are 99883 65869 and 78371 25400. Both of them had sent messages to each other on telephone. When I and Tejinder Singh were taking my daughter Pardeep Kaur to the Hospital, then at that time, my nephew Rupinder Singh son of Gurbachan Singh, resident of Rattoke, District Tarn Taran had suddenly come to meet us and he a1so accompanied us and at that time my daughter was conscious. On my asking she to1d that Yadwinder Singh had committed fraud with her. On the pretext of marriage he has exploited her mentally and physically due to which she got to harassed that she in clear words to1d him that in case he has committed fraud like this, then she shall consume sulphas and finish her life. At that time Yadwinder Singh told her that he does not care in case she dies and do whatever you want to. My daughter also told me that she a1so telephoned the father of Yadwinder Singh i.e. Balwinder Singh on his mobi1e no. 78371 25200 at about 4.30, but his father a1so did not care. My daughter a1so to1d me that Yadwinder Singh has p1ayed with her feelings and on the pretext of***

marriage has developed physical re1ations with her. On the instigation of Yadwinder Singh and taking him to be her husband, she submitted herself to him physically. In case he had not instigated her by doing this fraud, then may be she would not have done this extreme act. Due to callous attitude of Yadwinder Singh, due to his flatly refusing to perform marriage and due to his mental and physical exploitation and since he did not care for her, there was nothing left for her to live and due to his saying in clear words to do whatever she wants to, and he does not care if she dies, and due to instigation of Yadwinder Singh I have committed suicide. When the treatment of my daughter was going in the Hospital at about 6.15p.m., I telephoned Yadwinder Singh alias Sunny on his mobile no. 99883 65869 and asked him as to why you have done like this with my daughter that she was compelled to commit suicide and after that my daughter died during treatment at about 11.00 p.m. at night in the Escorts Hospital. My daughter Pardeep Kaur has been instigated by Yadwinder Singh a1ias Sunny to die. Strict legal action be taken against Yadwinder Singh. I am handing over the CDs of the conversation from the mobile of my daughter i.e. mobile no. 97800 35271 on the mobi1e No. 99883 65869 of Yadwinder Singh and on mobile no. 78371 25200 of the father of Yadwinder Singh i.e. Balwinder Singh and the Bill of the Mobile Phone of Pardeep Kaur bearing Bill No. 1500 dated 25.7.2016. You gave both the CDs to constable Balwinder Singh No. 384/ASR who is posted as a Junior Munshi in the police Station to make their script. Constable Balwinder Singh put both the CDs one by one in the computer and in my presence Constable Balwinder Singh prepared an exact script of the CDs and gave the script of both the CDs to you. You prepared separate parcels of both the CDs and mobile phone separately and put

your seal 'KS' and prepared your sample seal separately and kept both the parcels and mobile bill in your custody as evidence vide separate memo and after use handed over the seal to HC Gurwinder Singh No. 363/ASR. You annexed the script to the file. I put my signatures on the memo and HC Gurwinder Singh 363/ASR and constable Balwinder Singh No. 384/ASR put their witness. The sim no. 79865 22566 which is of Jio Company is in my name and this sim was being used by my daughter Pardeep kaur. I have heard the statement. It is correct.

SD/- ASI
P.S. CHHEHARTA,
AMRITSAR. 9.11.2016"

5. It is apparent on plain reading of the supplementary statement of the first informant recorded two days after the registration of the FIR that she improved upon her earlier version as narrated in the FIR and alleged mental & physical exploitation of her deceased daughter by the appellant.

6. It appears from the materials on record that the appellant herein and the deceased had intimacy for each other and were desirous to get married more particularly the deceased.

7. It also appears from the evidence on record that

there was lot of opposition at the end of the family of the appellant herein insofar as the marriage with the deceased was concerned.

8. As is evident from the evidence on record that as the appellant was reluctant to get married to the deceased, she took the extreme step of consuming poison at her own house and ultimately succumbed.

9. In such circumstances, referred to above, the mother of the deceased lodged the First Information Report, referred to above, alleging that her daughter was betrayed by the appellant as he declined to marry her.

10. Some portions of the deposition of the first information report are very important. The mother of the deceased has deposed that the appellant had assured that he would make his family understand and would get married to the deceased.

11. On one hand the appellant wanted to get married to the deceased as it appears that he had love and affinity for her, whereas on the other he was helpless before his parents.

12. In such circumstances, referred to above, the short point that falls for our consideration is whether the appellant could be said to have abeted the commission of suicide by the deceased.

13. We heard Mr. P. S. Patwalia, the learned senior counsel appearing for the appellant and Mr. Mohit Siwach, the learned counsel appearing for the State.

14. The first informant i.e. the mother of the deceased although served with the notice issued by this Court yet has chosen not to remain present before this Court and oppose this appeal.

15. By now the position of law insofar as abetment of suicide is concerned is well settled. Even if we accept the entire case put up by the prosecution as it is without adding anything or subtracting, we are of the view that none of the ingredients to constitute the offence of abetment punishable under Section 306 of the IPC are borne out.

16. This Court in the case of *"Nipun Aneja and Others Versus State of Uttar Pradesh"* reported in SCC OnLine SC

4091 has succinctly explained the Principles of law governing abetment. We quote the relevant observations as under:-

> ***"13. The law governing Section 306 of the IPC is well settled. Section 306 of the IPC reads as under:—***
>
> ***"306. <u>Abetment of suicide</u>. —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—***
>
> ***First. — Instigates any person to do that thing; or***
>
> ***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***
>
> ***Thirdly.— Intentionally aids, by any act or illegal omission, the doing of that thing.***
>
> ***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.***

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."

17. This Court in Geo Varghese v. State of Rajasthan, (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.***
>
> ***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 v. State of Chhattisgarh, (2001) 9 SCC 618, has defined the word 'instigate' as under:***
>
> > ***"20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act".***
>
> ***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 v. Vijay Kumar Mahajan (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."

(emphasis supplied)

17. Thus, the ingredients to constitute an offence under Section 306 of the IPC 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. The act of instigation as alleged must be with the intention to push the deceased into such a situation that she is left with no other option but to commit suicide.

18. In the case on hand, even if we believe that the appellant due to opposition and pressure from his family declined to get married with the deceased, it could not be said that he led to a situation by which the deceased was left with no other option but to commit the suicide. The appellant could not be said to have intended the consequences of his act namely suicide. It is very sad to note that a young girl took the extreme step of ending

her life. It is possible that she might have felt hurt. One sensitive moment took away the life of a young girl. However, as judges we should not allow our minds get boggled with such thoughts. We are obliged to decide the matter on the basis of the evidence on record. In other words whether the allegations levelled constitute any offence. Mere refusal to marry even if true by itself would not amount to instigation as explained under Section 107 of the IPC.

19. We are of the view that putting the accused to trial on the basis of the evidence on record would be nothing short of travesty of justice. Trial would be an empty formality.

20. In the result, this appeal succeeds and is hereby allowed.

21. The First Information Report bearing No. 273 of 2016 dated 07.11.2016 stands quashed. As a result, the proceedings of Sessions Case No. 728 of 2018 pending in the Court of the Additional Sessions Judge, Amritsar, Punjab are also hereby quashed.

22. Pending application(s), if any, stands disposed of.

.....J.
[J.B.PARDIWALA]

.....J.
[K.V. VISWANATHAN]

New Delhi
27th October, 2025.

ITEM NO.40 COURT NO.6 SECTION II-B

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

Petition for Special Leave to Appeal (Crl.) No.7309/2025

[Arising out of impugned final judgment and order dated 17-03-2025 in CRMM No. 41256/2018 passed by the High Court of Punjab & Haryana at Chandigarh]

YADWINDER SINGH @SUNNY Petitioner(s)

VERSUS

STATE OF PUNJAB & ANR. Respondent(s)

Date : 27-10-2025 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. P. S. Patwalia, Sr. Adv.
Ms. Deveshi Chand, Adv.
Mr. Agam Aggarwal, Adv.
Mr. Chritarth Palli , AOR

For Respondent(s) :
Mr. Karan Sharma, AOR

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

1. Leave granted.

2. The appeal is allowed in terms of the signed order.

3. The relevant part of the order is as under:-

> ***"….this appeal succeeds and is hereby allowed.***
>
> ***21. The First Information Report bearing No. 273 of 2016 dated 07.11.2016 stands quashed. As a result, the proceedings of Sessions Case No. 728 of 2018 pending in the Court of the Additional Sessions Judge, Amritsar, Punjab are also hereby quashed."***

4. **Pending application(s), if any, stand disposed of.**

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed order is placed on the file)