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In the Court of Sessions Judge, Kannauj (U.P.)

Presided by: Chandroday Kumar, H.J.S. (Sessions Judge, Kannauj)

JO Code -UP06553

State vs Sukhveer Yadav & Others

(Sessions Trial No. 718 of 2021) – Judgment

Introduction

1. This judgment pertains to Session Trial No. 718 of 2021, **State vs Sukhveer Yadav & Others**, arising from the death of Smt. Pooja alias Sonam (deceased) on the night of 9/10 June 2021 in village Rahmatpur, P.S. Thathiya, District Kannauj. The three accused – **Sukhveer Yadav** (husband of the deceased), **Yogendra Yadav** (father-in-law), and **Shanti Devi** (mother-in-law) – have been charged and tried for offences punishable under Sections **498A**, **306**, and **323** of the Indian Penal Code (IPC). These charges respectively relate to alleged cruelty towards the deceased, abetment of her suicide, and voluntarily causing hurt. The prosecution claims that the accused subjected the deceased to harassment and cruelty over dowry and other issues, which allegedly drove her to end her life, whereas the defence denies any wrongdoing, asserting that the deceased took her own life due to personal reasons (illness) and not because of any conduct of the accused.

Charges

2. After cognisance by the Chief Judicial Magistrate, Kannauj, and committal to the Court of Sessions, this Court registered the case as Sessions Trial No. 718 of 2021. Formal charges were framed against accused Sukhveer Yadav, Yogendra Yadav and Shanti Devi under Sections 498A, 306, and 323 IPC. The accused persons pleaded not guilty and claimed to be tried. The prosecution, in support of the charges, examined seven witnesses: PW1 Surendra Kumar (deceased’s father and first informant), PW2 Virendra Yadav (deceased’s uncle), and PW5 Vijay Pratap (a neighbor, declared hostile) as witnesses of fact; and PW3 Dr. Kuldeep Singh (who conducted the post-mortem), PW4 SI Subhash Chandra (who conducted the inquest), PW6 HC Achchhelal (who registered the FIR and GD entry) and PW7 Inspector Nirmala Kumari (Investigating Officer) as formal witnesses. The relevant documentary evidence was exhibited, including the written complaint (Tahrir, Ex. Ka-1), the post-mortem report (Ex. Ka-2), inquest report (Panchayatnama, Ex. Ka-3) and related papers (Ex. Ka-4 to Ka-6), the

FIR (Ex. Ka-7) and GD entry (Ex. Ka-8), the site plan (Ex. Ka-9) and the charge-sheet (Ex. Ka-10). During their examination under Section 313 CrPC, all three accused denied the allegations, stating that a false case had been lodged against them due to enmity and that they were innocent. No defence evidence was led.

### Points for Determination

3. Based on the charges and rival contentions, the principal points for determination in this case are:

1. **Cause of Death:** Whether the death of Smt. Pooja alias Sonam was suicidal by hanging, and what the inquest/post-mortem revealed regarding any injuries or foul play.
2. **Cruelty (Section 498A IPC):** Whether the accused Sukhveer Yadav, Yogendra Yadav and Shanti Devi, being the husband and his relatives, subjected the deceased to “cruelty” as defined in Section 498A IPC – **in particular, whether they harassed her with unlawful demands (dowry) or engaged in willful conduct likely to cause grave injury or drive her to suicide**[scconline.com](https://www.scconline.com).
3. **Abetment of Suicide (Section 306 IPC):** Whether any of the accused abetted the death of the deceased by hanging – i.e. did the accused intentionally provoke, incite, or aid the commission of suicide by the deceased, so as to make them liable under Section 306 IPC.
4. **Voluntarily Causing Hurt (Section 323 IPC):** Whether the accused (or any of them) voluntarily caused hurt to the deceased (for instance, by physically assaulting her, as alleged), and thereby committed an offence under Section 323 IPC.
5. **Proof Beyond a Reasonable Doubt: Overall, whether the prosecution has proved the guilt of the accused on the above charges beyond a reasonable doubt, or if the evidence on record entitles the accused to any benefit of doubt.**

4. The Court will proceed to analyse the evidence on record in light of the above points.

### Appreciation of Evidence

#### A. Undisputed Facts and Medical Evidence

It is not in dispute that the deceased Pooja (Sonam), aged about 30 years, was married to the accused Sukhveer Yadav in 2009 and was living at her matrimonial home in village Rahmatpur, Kannauj, at the time of her death. The death occurred in the early hours of 10 June 2021. The inquest (Ex. Ka-3) was conducted on 10.06.2021 itself by PW4 SI Subhash Chandra upon receiving the death information from PW1 (the deceased’s father). PW4 deposed that he found the body of the deceased lying on the floor at the scene (not hanging), and he prepared the inquest report in the presence of Panch witnesses, noting the apparent cause of death as **hanging**. He further testified that a female police volunteer examined the corpse for injuries;

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**apart from an incomplete ligature mark on the neck, no other external injury was found on the body.** PW4's inquest papers (Ex. Ka-3 to Ka-6) were proved, and they recommended a post-mortem to ascertain the exact cause of death.

5. PW3 Dr. Kuldeep Singh, who conducted the post-mortem on 10.06.2021 at 4:20 PM, confirmed the inquest findings. The post-mortem report (Ex. Ka-2) noted a **single ante-mortem injury**: a ligature mark (24 cm x 2.3 cm) on the neck, subcutaneous tissues under it showing a typical parchmented appearance. **No other injuries** or signs of struggle, external or internal, were detected on the body. The doctor's opinion was unequivocal that the cause of death was **asphyxia due to hanging (antemortem)**, with the ligature mark consistent with a hanging scenario. He specifically stated in cross-examination that *"the deceased's body had no other injury to suggest any scuffle or assault before death"*. Time of death was estimated at about 12-24 hours prior to the post-mortem, aligning with the night of 9/10 June 2021. There is no evidence or allegation of homicidal violence; the prosecution as well as the defence proceed on the basis that the deceased **died by suicide** (hanging). Thus, Point No.1 (Cause of Death) is answered by the medical evidence, which conclusively shows that *Pooja alias Sonam died by hanging (suicide)*, and that *no physical injuries apart from the ligature mark were present*, ruling out any overt physical struggle or deadly assault upon her immediately before death.

#### **B. Allegations of Cruelty and Harassment (Sections 498A/323 IPC)**

The core of the prosecution case is the allegation that the deceased was subjected to cruelty by the accused – primarily in the form of **physical assaults and harassment over dowry** – which allegedly led her to take the extreme step. These allegations stem from the FIR (Ex. Ka-1) lodged by PW1 Surendra Kumar (the deceased's father). It is essential to scrutinise the evidence of the key witnesses (PW1, PW2, and PW5) to see whether these allegations are substantiated in court.

**6. Prosecution's Version in FIR:** According to the written complaint (Tahrir, Ex. Ka-1) submitted by PW1 on 12.06.2021 (two days after the incident), within a year of the marriage, accused Sukhveer (husband), Yogendra (father-in-law), Shanti (mother-in-law) – along with other family members named in the FIR – began to physically assault and harass the deceased **regularly**. The FIR further recites that on 08.06.2021, two days before her death, the deceased telephoned her father (PW1) and brother, informing them that *"all the aforesaid persons were quarrelling with her and beating her"*. It alleges that *"distressed by the continuous harassment and torture"* inflicted by the accused and others, the deceased ultimately *hanged herself on the night of 9/10.06.2021*. Thus, the FIR paints a picture of persistent cruelty, including an instance of a quarrel and beating immediately before the suicide. It was on this basis that the police initially registered the crime under Sections 498A, 306, 323 IPC against eight accused (the husband, his parents and other relatives).

7. **Testimony of PW1 (Father of Deceased):** In his examination-in-chief before the Court, however, **PW1 Surendra Kumar materially resiled from the FIR allegations.** He did not support the claim that the accused harassed his daughter for dowry or assaulted her. On the contrary, PW1 testified that *his daughter had long-standing health issues (chronic migraine) and due to that illness, she often expressed a desire not to live in her marital home and would sometimes act irritably or irrationally.* He stated that the deceased had been under treatment for migraine since before her marriage, and the treatment continued after marriage with the support of her in-laws. Notably, PW1 deposed that on 08.06.2021 (the date of the alleged phone call in the FIR), the deceased did tell her brother (Avinash) that she wanted to come to her parental home because of her illness and requested to be taken back, to which the brother assured he would come by 13.06.2021. **PW1 nowhere stated in court that the deceased complained of any beating or dowry harassment on that call** – a stark departure from the FIR narrative.

8. Crucially, PW1 went on to testify that on the night of 9/10 June 2021, his daughter *“being fed up with her migraine pain, made a noose of her sari and hanged herself”*, committing suicide. He stated that it was the *in-laws themselves who telephonically informed him of her death*, upon which he and his relatives went to the matrimonial home. Contrary to the FIR (which said the in-laws were absconding), **PW1 confirmed that on reaching there, he found his daughter’s body, and all her in-laws and her children present at the spot**, along with villagers and police. The police conducted proceedings, and the last rites were performed with both families present.

9. Most significantly, **PW1 outright denied any dowry demands or cruelty** by the accused. He testified: *“After her marriage, at no point did my daughter or I receive any demand for additional dowry from her husband or in-laws, nor was she ever tortured over dowry”*. He further affirmed that *his daughter was never subjected to any beating or harassment by her husband, Sukhveer, or his family, and that she did not commit suicide because of any such harassment.* Instead, PW1 attributed her death solely to her health condition, stating *“my daughter Pooja alias Sonam, troubled by her migraine illness, committed suicide. Her entire in-laws’ family kept her happy”*.

10. PW1 was declared hostile by the prosecution and was confronted with his earlier statements. In cross-examination by the prosecution, he admitted that he had lodged the written Tahrir on 12.06.2021, but made a startling revelation: **the written report was not authored by him but by his son Avinash, based on what villagers told, and PW1 signed it without reading its contents due to being distraught at the time.** He said, *“I did not dictate any accused’s name in the FIR. My son wrote the complaint on the say of villagers and neighbours; it was not read back to me and I signed it in grief without reading”*. He also denied giving the police any statement about dowry harassment, stating that if the police recorded such allegations under Section 161 CrPC, he never actually said those and could not explain how they got written. PW1 maintained that he was deposing truthfully in court of his own free will, and denied suggestions that he was under any pressure or had

compromised with the accused's family. In sum, **PW1 entirely disowned the prosecution's story of dowry harassment and assaults**, instead portraying the accused as having good relations with the deceased.

**11. Testimony of PW2 (Uncle of Deceased):** PW2 Virendra Yadav (the deceased's paternal uncle) corroborated PW1's *in-court* version. He testified that after the marriage, his niece (the deceased) lived happily at her in-laws' and visited her parental home often, with no complaints. He stated that to his knowledge *"Sukhveer (husband), Yogendra (father-in-law), Shanti (mother-in-law) and other in-laws never made any demand for dowry nor ever beat or harassed her"*. He too recounted that the death was reported to them by the in-laws (Yogendra called them), and when they reached the matrimonial house on 10.06.2021, the body was found in the upper room, with police and many villagers present. PW2 affirmed that the police prepared the inquest on the spot in his presence and obtained his signature, and that PW1 (his brother) later lodged the report.

**12.** Like PW1, **PW2 turned hostile** to the prosecution on the material points. He was not an eyewitness to any prior incident, and in cross-examination, he stated that the police had not even recorded his statement regarding the incident (or that he was unaware if a statement had been recorded). When confronted with the alleged 161 CrPC statement, PW2, similar to PW1, denied having ever told the police that the accused demanded dowry or harassed the deceased. He reiterated that *from the marriage till her death (a span of ~12 years), the deceased never made any complaint to him or his family of any ill-treatment by the husband or in-laws*. PW2 also added that *Sukhveer's family was distantly related and they had no enmity; he was under no pressure from them*.

**13.** Importantly, PW2 confirmed the deceased's medical condition. He stated that *"my niece Pooja suffered from migraine pain; when the pain became intense, she would say she felt like she might commit suicide"*. He testified that *it was out of such unbearable pain that she took her own life, and that her in-laws had, in fact, kept her well and never mistreated her*. He echoed that only two of the deceased's three children are alive, and they continue to reside with their paternal grandparents (accused Yogendra and Shanti) after the incident. This indicates that family ties were maintained. In essence, **PW2's evidence negates any cruelty by the accused and attributes the suicide to the deceased's illness and state of mind**, much like PW1's testimony.

**14. Testimony of PW5 (Independent Neighbour):** PW5 Vijay Pratap was a **neighbour** of the accused. He, too, did not bolster the prosecution's case; in fact, he provided testimony favouring the defence on crucial aspects. He stated that his house is near Yogendra's house and that he knew the family. He deposed that *Yogendra (accused father-in-law) has two sons (Sukhveer and Yashuveer) and three daughters (Usha, Roshni, and Neha); the daughters Usha and Roshni are married and living with their husbands, and Sukhveer (accused) is married and has two sons*. Notably, PW5 described the family circumstances: Narsingh (another accused named in the FIR, Sukhveer's uncle) is a hermit living in a temple, having renounced the world; Neha (Sukhveer's sister-in-

law), Usha, and others did **not reside with Sukhveer and his wife around the time of the incident**. This supports the investigation's later finding that those other relatives were not involved and were falsely implicated, as they were not even present in the matrimonial home. PW5 further stated that *Yogendra and Shanti (accused parents-in-law) are aged and dependent on their son, Sukhveer, and daughter-in-law (the deceased) for care; the couple (Sukhveer and Sonam) looked after them well*. Crucially, PW5 testified that he **never heard or saw any fights or quarrels between Sukhveer and Sonam or between Sonam and her in-laws (Yogendra & Shanti)**. He said, *"I have never heard any sounds of fights, nor seen any disputes in that household"*. He also affirmed, *"to my knowledge, Sukhveer, Yogendra and Shanti Devi never demanded any additional dowry from their daughter-in-law, nor ever harassed her"*.

15. PW5 was declared hostile by the prosecution as he did not support any allegation of cruelty. Under cross-examination, he acknowledged stating the police, in which he stated, for instance, that Neha (his sister-in-law) was not at home during the incident (she was at her sister's place). He denied knowledge of certain details (like the deceased's name or how the couple's relations were, indicating he had limited direct interaction). However, his categorical assertions about not witnessing any abuse and about the separate residence of other relatives undermine the prosecution's initial theory. The defence has relied on PW5's testimony to show that **the immediate household of the deceased consisted only of the husband and aged parents-in-law**, and that their conduct with her was normal and not abusive.

16. **Other Prosecution Witnesses:** No other eyewitnesses of alleged cruelty were produced. The prosecution did not examine the deceased's husband's siblings (like Neha) or others named in the FIR (many of whom were eventually not charged). PW6 Head Constable Achchhelal proved the FIR (Ex. Ka-7) and GD entry (Ex. Ka-8), confirming that the FIR was lodged on 12.06.2021 at 17:28 based on PW1's written complaint. His cross-examination brought out some procedural details (such as the FIR not bearing certain signatures), but nothing that advances the substantive case. PW7 Inspector Nirmala Kumari (IO) detailed the investigation steps. She confirmed that after taking over the investigation on 27 July 2021, she recorded statements from various witnesses, including family members, neighbours, and the minor children of the deceased (PW1, PW2, and PW5). **PW7 stated that upon analysing all evidence, she found no involvement of the other five originally named persons (Neha, Narsingh, Usha, Roshni, Anand), and hence filed a charge sheet only against Sukhveer, Yogendra and Shanti.** Notably, PW7 deposed that during the investigation, the informant (PW1) and his relatives initially gave statements implicating all eight persons in cruelty, but it later emerged that five were not involved. In cross, PW7 admitted that PW1, PW2, and PW5 (among others) **had indeed stated in the investigation that Sukhveer, Yogendra and Shanti were involved in the incident**, and she could not explain why they testified otherwise in Court. She denied the suggestion that her investigation was faulty, but her admission highlights that the **prosecution's case rested on the oral testimony of the family, which has now recanted in the courtroom.**

**17. Summary of Evidentiary Findings on Cruelty:** From the above analysis, it is evident that **all three material witnesses of fact (PW1, PW2, PW5)** have not supported the prosecution's allegations of dowry harassment or cruelty:

- PW1 (father) explicitly stated that the *accused never demanded dowry or mistreated his daughter*, and that the FIR accusations were not based on his own knowledge but on hearsay inputs when he was distressed. He attributed the suicide to his daughter's illness and mental state, not to any acts of the accused.
- PW2 (uncle) likewise confirmed *no complaints of harassment ever came from the deceased*, and that she was happy with her in-laws; he too cited her migraine-induced distress as the cause of suicide.
- PW5 (neighbour) testified he *neither saw nor heard of any cruelty or dowry demands* by the husband or parents-in-law; instead, he observed normal family relations and care. He also negated the presence of some accused at the home, aligning with the defence that many allegations were exaggerated or false.

None of these witnesses spoke of any incident of physical assault or injury inflicted on the deceased by the accused. There is **no direct evidence** of any specific act of beating or hurt (relevant to Section 323 IPC) except the unverified claim in the FIR about 08.06.2021, which has been disowned by the very person (PW1) who ostensibly reported it. The medical evidence (no injuries on the body besides the ligature) further corroborates the trial testimony that the deceased was not subjected to physical violence immediately before death, casting doubt on the FIR's assertion of a physical quarrel on 08.06.2021.

18. It is also notable that the brother Avinash Yadav, who, as per the FIR, spoke with the deceased on 08.06.2021 and supposedly heard about the quarrelling, was **not examined** as a witness. Thus, that crucial link of evidence was never presented or tested in court. We only have PW1's statement that the deceased told Avinash she wanted to come home (which is not itself incriminating against the accused). There is no other witness (neighbours, etc.) testifying to any prior instances of dowry demands or cruelty, aside from what the hostile witnesses had allegedly told the IO during the investigation. The prosecution did not introduce any independent evidence – e.g. no recoveries, letters, or contemporaneous complaints by the deceased – to corroborate the claim of prolonged harassment. Indeed, PW7's investigation outcome itself was that more than half of the accused initially had no involvement due to lack of evidence, which inherently undercuts the credibility of the initial broad allegations.

19. In view of these circumstances, **the prosecution's case of cruelty rests entirely on the contents of the FIR and the earlier police statements**, which now stand unsubstantiated in court. The FIR (Ex. Ka-1) is merely the launching document of the case; it is **not substantive evidence** of the facts unless corroborated by testimony. Here, the maker of that FIR (PW1) has not only failed to support it but has contradicted it in material particulars. The



law is well-settled that when a witness **turns hostile**, his testimony is not entirely effaced and the Court may rely on any portion of it that appears to be truthful and corroborated by other evidence ([K.P. Tamilmaran vs The State Rep. By Deputy Superintendent ... on 28 April, 2025: 2025 INSC 576](#)). In the present case, however, the portions of PW1 and PW2's testimony that remain reliable are those that indicate *the absence of cruelty, which actually supports the defence*. The inculpatory portions (allegations of harassment) were made only in their prior statements to the police, which were not confirmed under oath and therefore cannot, by themselves, be used to convict. There is no **other evidence on record to corroborate the FIR's claims of dowry harassment or physical torture**. To the contrary, all the live testimony indicates a lack of such cruelty.

20. The Court also notes that the deceased died about **12 years after her marriage**. While the longevity of the marriage by itself is not conclusive, it is relevant that **Section 113A of the Evidence Act**, which permits a presumption of abetment of suicide if a married woman dies by suicide within 7 years of marriage and there is evidence of cruelty by her husband or in-laws, **does not apply** here (the marriage exceeded 7 years). Even for the sake of argument, were one to consider why the deceased might have taken her life after such a long marriage, the evidence overwhelmingly points to her **persistent medical ailment and resultant depression** rather than any sudden escalation of dowry harassment. PW1 and PW2 both mentioned that the deceased had become frustrated with her chronic migraine pain and had expressed suicidal ideation in the past during severe headaches. This provides an alternative explanation for her tragic act, one that is unrelated to the accused's conduct. Though it is hard to believe that one can commit suicide due to migraine pain, there is no substantive evidence to support the prosecution's case.

### **C. Allegation of Abetment of Suicide (Section 306 IPC)**

For an offence under **Section 306 IPC** (abetment of suicide), the prosecution must prove that the accused **instigated or intentionally aided/engendered the commission of suicide by the deceased**. There must be a clear **mens rea (intent or knowledge)** to urge the victim to commit suicide, or an active participation in the act by way of encouragement or aid. It is not enough that there was marital discord or harassment; the harassment or circumstances must be of such intensity that they can be said to have left the deceased with no option but to end her life, or must amount to a deliberate provocation to suicide. The Supreme Court in the case of [JAYEDEEPSINH PRAVINSINH CHAVDA & ORS. VERSUS STATE OF GUJARAT: 2024 INSC 960](#) has observed that *"mere harassment or trivial quarrels between a wife and husband/in-laws would not by themselves compel the conclusion that the deceased was abetted to commit suicide, absent an active role of the accused"*, and that without **clear evidence of a definitive role by the accused in instigating or facilitating the suicide**, a conviction under **Section 306 IPC** cannot be sustained.



21. In the present case, given the findings on the lack of proven cruelty, the charge of abetment becomes difficult to sustain. **No suicide note or dying declaration** was recovered to implicate the accused. The prosecution's theory of abetment was essentially that the accused's alleged cruelty *drove* the deceased to suicide. However, as discussed, the very factum of cruelty or harassment stands unproven. The family members who initially suggested that narrative have relented. There is no evidence that any of the accused *intentionally urged or goaded* the deceased to take her life. On the contrary, the evidence suggests that the accused (especially the husband and in-laws) would have no reason to desire such an outcome – for instance, the deceased was taking care of the household and children; the elderly parents-in-law were dependent on her and the husband for daily needs. Indeed, PW5's testimony indicates the parents-in-law were caring towards her, and she towards them.

22. The scenario emerging from the evidence is that the deceased's act was a result of her *personal despair due to illness*, rather than a reaction to any specific external provocation by the accused. Even if one considers the possibility of matrimonial friction, **there is no evidence of any immediate provocation or extreme cruelty** in proximity to the suicide that could be viewed as the "last straw." The only event in close proximity was the phone call on 8th June, which, as per the father's inbox version, was a plea to return home due to her health (and not a cry for help against torture). Thus, the causal link between the accused's conduct and the suicide is not established.

23. It is pertinent to recall that the marriage had lasted over a decade, during which three children were born. If there had been sustained cruelty gravely impacting the deceased's mental health, one would expect some corroborating evidence (neighbours noticing frequent abuse, or the victim confiding in someone or leaving behind an indication). Yet, prosecution offers none. On the contrary, family and neighbours uniformly speak of an **absence of complaints**. In such circumstances, it would be impermissible to infer abetment merely because the husband is the closest relation to the victim. The legal standard requires proof of either **direct instigation or circumstances created by the accused that led to the suicide**. Here, neither direct instigation (like taunting "go die" or similar acts) nor a pattern of cruelty is proved.

24. Additionally, since the statutory presumption under Section 113A of the Evidence Act is not available (marriage lasting > 7 years) and even otherwise, the foundational fact of cruelty is missing, the Court must assess abetment strictly based on the evidence. On the evidence, **the prosecution has failed to prove that any of the accused had the intention to push the deceased into suicide or engaged in willful acts that left her with no alternative**. Therefore, the ingredients of Section 306 IPC remain unproven in this case.

#### **D. Other Considerations (Defence Version and Hostile Witnesses)**

The defence version, as emerges from the cross-examinations and the Section 313 statements, is that the case is a **false implication motivated by “enmity” or possibly by external influence**. While no specific enmity was detailed, the suggestion (especially by PW1’s testimony) is that local villagers influenced the lodging of an exaggerated complaint. It has come to light that the initial FIR involved a large number of family members (eight persons), many of whom had no plausible role (e.g., married sisters living elsewhere, an ascetic uncle, etc.), and the investigating officer eventually found those accusations to be baseless. This lends some credence to the defence claim that the FIR was filed in the heat of the moment under the influence of advice/pressure from others. PW1 admitted he was in a state of shock and did not even read the complaint that was drafted for him. Such circumstances are not unusual in cases of unnatural death in a family, where aggrieved relatives, guided by emotion or third-party counsel, may accuse the in-laws out of suspicion or anger. However, in a court of law, **mere allegations in an FIR cannot substitute for proof**. The defence has effectively neutralised the prosecution’s allegations through the testimonies of the very witnesses who were expected to support the charges.

25. On the legal aspect of **hostile witnesses**: It is indeed unfortunate for the prosecution that its star witnesses (the deceased’s father and uncle) did not support the case. The Court is cognizant that even the testimony of a hostile witness is not to be discarded wholesale; one can rely on any portion of such testimony that appears credible and is corroborated ([K.P. Tamilmaran vs The State Rep. By Deputy Superintendent ... on 28 April, 2025: 2025 INSC 576](#)). In this trial, however, the hostile witnesses did not provide *any* incriminating material against the accused that the Court could choose to accept – instead, their entire narrative absolves the accused. The only source of a contrary narrative is their prior statements to the police, which they have denied. There is **no corroboration from any independent source** of those prior allegations. The law does not permit conviction solely based on a witness’s prior statement to police (which is inadmissible as evidence of truth, per Sections 161/162 CrPC and the Evidence Act) when the witness himself retracts it in court. The Court cannot invent evidence where none exists; the benefit of such a situation must go to the accused.

26. Finally, it is relevant to note that the prosecution had the opportunity to investigate further the angle of the deceased’s medical history and mental state (for instance, medical records of her treatment, any history of depression, etc.), especially once the witnesses indicated illness as a factor. No such evidence was presented. However, even without formal records, the unchallenged testimony about her illness, coupled with the absence of any proof of mistreatment, tilts the balance in favour of the defence version that the suicide was an act of personal anguish rather than one abetted by others.

### Legal Provisions and Case Law

27. **Section 498A IPC**: This provision criminalises cruelty by a husband or his relative toward a married woman. The explanation to Section 498A

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defines “cruelty” to include, inter alia: (a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to her life, limb or health (whether mental or physical); or (b) harassment to coerce her or her relatives to meet any unlawful demand for property or valuable security. Thus, not every marital discord or trivial act falls within 498A. The cruelty must be either aimed at unlawful demands (dowry), or be sufficiently willful and grave in nature to potentially result in serious harm or suicide ([Ranjit Kour And Another vs U. T. Of J&K And Others on 16 April, 2025: CRM\(M\) No. 336/2021, HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU](#)). In [U. Suvetha v. State of T.N. and M. Madhusudan Rao \(2008\) 15 SCC 582](#), the Supreme Court held that not all forms of harassment constitute “cruelty” under 498A – the conduct complained of should be judged in context to see if it meets the statutory definition ([Jaydeepsinh Pravinsinh Chavda vs The State Of Gujarat on 10 December, 2024: 2024 INSC 960](#)). In [Manju Ram Kalita v. State of Assam \(2009\) 13 SCC 330](#), it was emphasised by the Hon’ble Supreme Court that cruelty for 498A must be continuous or persistent and grave in nature, or if isolated, then grossly impactful on the wife’s psyche.

28. In the present case, applying these principles, the evidence fails to establish any **demand for dowry or willfully abusive conduct** by the accused. Both ingredients of the 498A explanation (a) and (b) are unproven. There is no evidence of *unlawful demand*, and no evidence of *willful conduct likely to cause grave injury or drive to suicide*. On the contrary, the witnesses say no such conduct occurred. Therefore, the charge under Section 498A IPC is not made out against the accused.

29. **Section 306 IPC**: This penal provision deals with *abetment of suicide*. To sustain a conviction under Section 306, the prosecution must satisfy the definition of “abetment” as given in Section 107 IPC, which requires proof of either **instigation** of the suicide, or **engaging in a conspiracy** to make the person commit suicide, or **intentionally aiding** the commission of suicide. The Supreme Court has repeatedly held that **direct or clear acts of incitement, or intentional aid, must be shown**. In [Guru Charan Singh v. State of Punjab AIR 2020 SUPREME COURT 4714](#), it was observed that the mere fact of suicide by a married woman in a strained marriage does not automatically imply abetment by the husband; the prosecution must prove an active role and **mens rea** (guilty mind) on the part of the accused. In a recent decision, the Supreme Court noted: “*It is essential to establish that the death was a result of suicide and that the accused actively abetted its commission... The prosecution must prove beyond a doubt that the accused played a definitive role in the abetment. Without clear evidence of an active role in provoking or assisting the suicide, a conviction under Section 306 IPC cannot be sustained.*”-*Jaydeepsinh Pravinsinh Chavda (Supra)*. Furthermore, **Section 113A of the Evidence Act, 1872** permits a court to presume abetment by a husband or in-laws if a wife commits suicide within seven years of marriage and there is evidence of cruelty by them. However, this presumption is discretionary and comes into play only if the foundational facts (death by

suicide within 7 years of marriage + evidence of cruelty) are proved. In our case, aside from the marriage being well past 7 years (hence 113A inapplicable), the proof of cruelty is lacking; therefore, no presumption can be drawn, and the burden remains strictly on the prosecution to prove abetment.

30. Given the analysis already done, it is clear that the prosecution has not proven any instigating acts by the accused. There is **no evidence of any suicide being suggested or facilitated by the accused**. On the contrary, all indications are that the accused and their family would have wanted the deceased to live (she was integral to the family). Superior courts have also cautioned against criminalising family members for suicide in cases where the decision to end one's life may stem from personal factors such as depression or illness, unless there is tangible proof of abetment (see e.g. [Prakash vs The State Of Maharashtra on 20 December, 2024: 2024 INSC 1020](#)). Thus, on legal parameters, the ingredients of Section 306 IPC remain unfulfilled here.

31. **Section 323 IPC:** Section 323 penalises **voluntarily causing hurt**, defined in Section 319 IPC as causing bodily pain, disease, or infirmity to any person. To prove an offence under Section 323, prosecution must show that the accused intentionally used force and caused hurt (even if minor) to the victim without a lawful excuse. In this case, the only suggestion of hurt was the allegation of physical assault on the deceased by the accused (like the incident on 08.06.2021). However, as discussed, all prosecution witnesses have denied any beating or physical harm being inflicted on the deceased by the accused at any time. The medical evidence also did not reveal any injuries or bruises on the body that would indicate prior assaults. There is thus a complete dearth of evidence for the charge under Section 323 IPC. The prosecution has not established that any accused ever **voluntarily caused hurt** to the deceased. Therefore, this charge fails on the grounds of the facts.

32. **Hostile Witness Testimony:** It is helpful to cite here the principle laid down in [Bhajju @ Karan vs State of M.P., \(2012\) 4 SCC 327](#), wherein the Supreme Court affirmed that *the evidence of a hostile witness is not wholly inadmissible; the court can rely on the credible parts of it*. It was observed: *"The evidence of such witnesses cannot be treated as washed off the record...it remains admissible in trial and there is no legal bar to its consideration to the extent it is relevant and corroborated."* In the present matter, the Court has scrutinised PW1, PW2, and PW5's testimonies in that light. Unfortunately for the prosecution, the **"hostile" testimonies did not yield any segment that supports the prosecution's allegations** – instead, these witnesses have exonerated the accused. Their statements to the police (which were contrary) were not made under oath and have been refuted by them, so they cannot be independently weighed as evidence. There is no other corroboration of those prior statements either. Hence, the net result is that the prosecution has essentially lost the evidence on cruelty/abetment, and nothing salvageable remains from these witnesses to aid the prosecution's case.

33. **Burden of Proof:** In criminal jurisprudence, the burden is always on the prosecution to prove the guilt of the accused beyond a reasonable doubt. The accused benefits from the presumption of innocence. As held in numerous decisions (e.g., [Sharad Birdhichand Sarda v. State of Maharashtra: 1984 AIR 1622](#) and [Krishna Mochi v. State of Bihar: Appeal \(crl.\) 761 of 2001](#)), suspicion, no matter how grave, cannot replace proof. If the prosecution's evidence is lacking or witnesses turn hostile, the prosecution's case diminishes. A court cannot fill gaps with conjectures. In this trial, after the conclusion of evidence, **serious doubts arise as to whether any crime under Sections 498A, 306, or 323 of the IPC was committed by these accused at all, since the very occurrence of cruelty or instigation remains unproven.** The law mandates that such doubt must enure to the benefit of the accused.

### Findings

34. On an objective and dispassionate appreciation of all evidence and the applicable legal standards, this Court arrives at the following findings on the points for determination:

1. **Cause of Death:** The deceased Pooja alias Sonam died by suicide (hanging). The post-mortem and inquest evidence prove this conclusively, and no foul play in the form of homicidal violence is indicated. This point is *proven* to the extent that the death was suicidal and not homicidal.
2. **Cruelty (Section 498A IPC):** The prosecution has **failed to prove** that the deceased was subjected to any cruelty or harassment by the accused. There is no credible evidence of dowry demands, physical or mental torture, or willful conduct by the accused that meets the definition of "cruelty" under Section 498A IPC. On the contrary, the evidence suggests the absence of such cruelty. **Point No.2 is answered in the Negative**, i.e., *it is not proved that the accused committed cruelty under Section 498A IPC.*
3. **Abetment of Suicide (Section 306 IPC):** The allegation that the accused abetted the suicide of the deceased remains **unproven**. There is no direct or indirect evidence of instigation, conspiracy or intentional aid by the accused to cause the deceased to commit suicide. Given that cruelty itself is not established and no other abetment acts are evidenced, **Point No.3 is answered in the Negative**, meaning *the accused are not shown to have abetted the suicide under Section 306 IPC.*
4. **Voluntarily Causing Hurt (Section 323 IPC):** There is **no proof** that any of the accused ever voluntarily caused hurt to the deceased. No witness has substantiated any incident of physical assault, and the medical evidence shows no injuries apart from the ligature mark. Therefore, **Point No.4 is answered in the Negative**, i.e., *the charge under Section 323 IPC is not established.*



5. **Overall Guilt:** In view of the above, the prosecution has **not succeeded in proving the guilt of the accused beyond a reasonable doubt** on any of the charges. All the essential ingredients of Sections 498A, 306, and 323 IPC remain unproven. The evidentiary threshold required for a criminal conviction has not been met in this case. Consequently, the accused are entitled to the benefit of doubt.

35. It is worth noting that this unfortunate case highlights the distinction between initial allegations and evidence presented at trial. The tragic suicide of a young woman and mother is a matter of sorrow, but the criminal liability of the accused must be established through cogent evidence. Here, the very family of the deceased, upon oath, did not attribute her death to the accused's actions. Thus, legally, there is no option but to hold that the prosecution has failed to make out its case.

### **Order**

**In light of the aforementioned findings, it is hereby ordered** as follows:

- Accused **Sukhveer Yadav, Yogendra Yadav, and Shanti Devi** are **found not guilty** of the offences under Sections 498A, 306, and 323 of the IPC as charged. They are **acquitted** of all the charges.
- The accused are on bail. Their bail bonds are cancelled, and sureties are discharged.
- The file, complete with outcome, is to be consigned to record as per the rules.

*Pronounced in open court on this 14th day of July, 2025.*

**(Chandroday Kumar)**

Sessions Judge, Kannauj.