



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 13/07/2026

Pronounced on: 27/07/2026

Uploaded on: 27/07/2026

+ **CRL.REV.P. 405/2026 & CRL.M.A. 20718/2026**

NITIN KUMAR

.....Petitioner

Through: Mr. Nakul Sharma
and Mr. Junaid Nisar, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Naresh Kumar Chahar, APP
SI Ram Singh, P.S. SB Dairy.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. The present revision petition has been preferred under Section 438 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') impugning the order on charge dated 22.04.2026 passed by the learned Additional Sessions Judge, Rohini Courts, Delhi, in Sessions Case No.514/2024 arising out of ***FIR No.323/2024***, Police Station Shahbad Dairy, whereby a charge under Section 306 of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC') has been directed to be framed against the petitioner.

FACTUAL MATRIX:

2. The petitioner is the husband of the deceased, Late Kamini @ Gudiya. The marriage between the petitioner and the deceased was solemnised in the month of June, 2015. It is stated that the marriage was a love marriage and



two children were born out of the said wedlock. The petitioner claims that though the family faced financial difficulties after the COVID-19 pandemic, no complaint had ever been lodged by the deceased against him during their matrimonial life.

3. On 17.04.2024, the deceased was found hanging in the matrimonial home situated at Jain Colony, Barwala, Delhi. The incident was reported to the local police by the petitioner's family. On the following day, *i.e.*, 18.04.2024, FIR No.323/2024 came to be registered at Police Station Shahbad Dairy under Sections 306/34 IPC on the complaint made by the father of the deceased. The complainant alleged that the deceased had been subjected to continuous harassment and physical abuse at her matrimonial home, which ultimately compelled her to take the extreme step of ending her life.

4. During the course of investigation, a handwritten diary containing entries made by the deceased between 13.04.2024 and 17.04.2024 was recovered from the place of occurrence. The prosecution also relied upon the statements of the parents and other family members of the deceased recorded under Section 161 Cr.P.C., who alleged that the deceased had been subjected to harassment and physical assaults at her matrimonial home. The investigation culminated in the filing of a chargesheet against the petitioner and his family members under Section 306 IPC.

5. Upon hearing the parties on the question of charge, the learned Trial Court, by the impugned order dated 22.04.2026, discharged the petitioner's family members after holding that the allegations against them were either general in nature or too remote in point of time to constitute the offence of abetment of suicide. However, insofar as the petitioner is concerned, the learned Trial Court observed that the statements of the prosecution witnesses



prima facie disclosed that the petitioner had subjected the deceased to physical assault and mental harassment and had left her alone despite living separately from the other family members. The learned Trial Court further observed that the material collected during investigation, including the diary entries and the statements recorded under Section 161 Cr.P.C., disclosed a *prima facie* case against the petitioner for the offence punishable under Section 306 IPC and, accordingly, directed framing of charge against him. Pursuant thereto, charge under Section 306 IPC came to be formally framed against the petitioner on 13.05.2026.

6. Aggrieved by the order dated 22.04.2026, insofar as it directs framing of charge against the petitioner, the present revision petition has been filed before this Court.

SUBMISSIONS ON BEHALF OF THE PETITIONERS:

7. Learned Counsel appearing for the petitioners submits that the impugned order dated 22.04.2026 suffers from manifest illegality and is contrary to the settled principles governing the framing of charge. It is submitted that the learned Trial Court has failed to appreciate the material collected during investigation in its correct perspective and has erroneously concluded that a *prima facie* case under Section 306 IPC is made out against the petitioner.

8. It is submitted that neither the FIR nor the statements of the prosecution witnesses recorded during investigation disclose the essential ingredients of “abetment” as contemplated under Section 107 IPC, which is a *sine qua non* for attracting the offence punishable under Section 306 IPC. According to learned counsel, there is no material to indicate any act of instigation or active



participation on the part of the petitioner which could have driven the deceased to commit suicide.

9. Learned counsel submits that the allegations contained in the statements recorded under Section 161 Cr.P.C. are vague and omnibus in nature and primarily refer to an alleged incident of the year 2023, whereas the deceased committed suicide on 17.04.2024. It is contended that the alleged incidents are too remote in point of time and lack the proximity necessary to constitute the offence of abetment of suicide.

10. It is further submitted that the handwritten diary recovered during investigation, which constitutes the most contemporaneous account left by the deceased, does not attribute any act of instigation or abetment to the petitioner. Learned counsel submits that the diary entries do not disclose any material from which the ingredients of Section 306 IPC can be inferred and therefore, the learned Trial Court ought not to have framed charge against the petitioner.

11. Learned counsel further submits that the allegations contained in the FIR are general in nature and do not assign any specific overt act to the petitioner which could constitute abetment within the meaning of Sections 107 and 306 IPC. It is contended that mere allegations of matrimonial discord or harassment, in the absence of any material showing a proximate act of instigation coupled with the requisite *mens rea*, cannot justify framing of charge under Section 306 IPC.

12. Learned counsel places reliance upon the decisions of the Supreme Court in ***Nipun Aneja & Ors. v. State of Uttar Pradesh (2024) SCC OnLine SC 4091***, ***Gurcharan Singh v. State of Punjab, (2020) 10 SCC 200***, to contend that, in the absence of a clear allegation demonstrating instigation, intentional aid or a proximate nexus between the acts attributed to the accused



and the commission of suicide, prosecution under Section 306 IPC cannot be sustained.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

13. *Per contra*, learned APP appearing for the State supports the impugned order and submits that the learned Trial Court has correctly appreciated the material collected during investigation and has rightly concluded that a *prima facie* case under Section 306 IPC is made out against the petitioner. It is submitted that the order on charge does not suffer from any illegality, perversity or material irregularity warranting interference in exercise of the revisional jurisdiction of this Court.

ANALYSIS AND FINDINGS:

14. I have heard the learned counsel for the petitioner as well as the learned counsel for the respondent and have gone through the material on record.

15. The challenge in the present revision petition is directed against the order dated 22.04.2026, whereby the learned Trial Court has directed framing of charge against the petitioner for the offence punishable under Section 306 IPC while discharging the remaining co-accused. According to the petitioner, the material collected during investigation does not disclose the essential ingredients of abetment of suicide and, therefore, the learned Trial Court erred in directing framing of charge.

16. At the outset, it is relevant to note that Hon'ble Supreme Court in ***Amit Kapoor v. Ramesh Chander (2012) 9 SCC 460***, has held that the scope of interference by High Courts while exercising revisional jurisdiction in a challenge to order on charge is well settled. The power ought to be exercised sparingly, in the interest of justice, so as to not impede the trial unnecessarily. It is not open to the Court to misconstrue the revisional proceedings as an



appeal and reappreciate the material on record. At the same time, it is well-settled that the Court may interfere if the allegations are patently absurd and the basic ingredients of the offence, for which the charge is framed, are not made out.

17. The Court at the stage of framing of charge is required to evaluate the material only for the purpose of finding out if the facts constitute the ingredients of the alleged offence. At this stage, the Court ought to look at the limited aspect of whether, given the material placed before it, there is grave suspicion against the accused which is not properly explained. Though, for the purpose of conviction, the alleged offences must be proved beyond reasonable doubt.

18. This Court finds no infirmity in the approach adopted by the learned Trial Court. The prosecution case is not founded merely upon the suicide note. Apart from the complaint lodged by the father of the deceased, the prosecution has also relied upon the statements recorded under Section 161 Cr.P.C. of the parents and other family members of the deceased, who have consistently alleged that the petitioner used to subject the deceased to physical assault and mental harassment during the matrimonial relationship. The learned Trial Court has specifically noticed these statements while arriving at its *prima facie* satisfaction.

19. The learned Trial Court has also carefully distinguished the role attributed to the petitioner from that of the remaining accused. Upon examining the statements of the witnesses and the material collected during investigation, the learned Trial Court found that the allegations against the other family members were either general in nature or too remote in point of time and, accordingly, discharged them. However, insofar as the petitioner is concerned, the learned Trial Court found specific material indicating repeated



physical assaults and continuous mental harassment allegedly inflicted upon the deceased. The discharge of the co-accused itself reflects that the learned Trial Court independently evaluated the role attributed to each accused and did not mechanically direct framing of charge against all of them.

20. Much emphasis has been placed by the petitioner upon the contents of the diary recovered during investigation. According to the petitioner, the diary does not attribute any specific role to him and, therefore, completely exonerates him. This submission cannot be accepted at this stage as firstly, there are specific allegation mentioned against the petitioner in the said dairy and secondly the diary constitutes only one piece of evidence collected during investigation. Its evidentiary value, the manner in which it is to be read along with the remaining material collected during investigation and the effect of the various entries recorded therein are all matters which fall for consideration during trial. At the stage of framing of charge, this Court cannot selectively rely upon one piece of evidence while ignoring the remaining material collected during investigation.

21. Learned counsel for the petitioner has placed considerable reliance upon the decisions of the Supreme Court in ***Nipun Aneja (supra)*** and ***Gurcharan Singh (supra)*** to contend that the essential ingredients of Section 306 IPC are absent in the present case. There can be no dispute with the principles laid down in the said decisions. However, whether the acts attributed to the petitioner satisfy the ingredients of Section 306 IPC is ultimately a matter to be determined on the basis of evidence led during trial. At this stage, the Court is only concerned with whether the material collected during investigation gives rise to a *prima facie* case requiring the petitioner to face trial. In the opinion of this Court, the learned Trial Court has correctly confined itself to that enquiry.



CONCLUSION AND FINDINGS:

22. Having considered the material collected during investigation and the reasoning contained in the impugned order, this Court is satisfied that the learned Trial Court has applied the correct principles governing the stage of framing of charge. The material presently available on record raises sufficient grounds to proceed against the petitioner. The submissions advanced on behalf of the petitioner relate substantially to the appreciation of evidence and the probable defence available to him. Such issues are required to be adjudicated during the course of trial and cannot be made a basis for interference in the exercise of revisional jurisdiction.

23. Accordingly, this Court finds no infirmity or perversity in the order dated 22.04.2026 passed by the learned Trial Court directing framing of charge against the petitioner under Section 306 IPC. The present revision petition is, therefore, liable to be dismissed.

(MADHU JAIN)
JUDGE

JULY 27, 2026/P