



**CASE COMMENT: KAMARUDDIN DASTAGIR SANADI VS STATE OF
KARNATAKA 2024 INSC 908**

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INTRODUCTION

Life is perhaps the most precious gift of all, and it is always a tragedy when it ends, even more so when it is someone ending their own life. There can be many circumstances that may lead to one making a decision as drastic as suicide, and the question remains, to what extent can one be held responsible for driving one to ending their life?

As per Section 107 of the Indian Penal Code when one is said to ‘abet’ a thing, when he

- i. Instigates any person to do that thing; or*
- ii. 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*
- iii. Intentionally aids, by any act or illegal omission, the doing of that thing.*

Abetment to suicide is an offence punishable by Indian law under Section 306 of the Indian Penal Code, and Section 108 of the Bharatiya Nyaya Sanhita. Abetment to suicide is when one deliberately, through direct or active action, creates such circumstances which drive someone to actions that may lead to suicide.¹

There are no hard and fast rules for what may be considered abetment to suicide, and courts often look at individual cases to determine one’s guilt. In the following paper, we will analyze one such case, where the Hon’ble Supreme Court laid down certain principles with regard to abetment to suicide.

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¹ *M. Mohan vs. State represented by the Deputy Superintendent of Police* (2011) 3 SCC 626

FACTS OF THE CASE

The Accused promised to marry the Deceased, 21-year-old Suvarna, in front of the village panchayat. The Deceased had been in love with the Accused since she was 13 years old. The Accused then left the village and began residing in Kakati, Karnataka. The Deceased came to visit the Accused on 18 August 2007, and the Accused refused to marry her. The Deceased left and spent the entire night at the bus stop in Kakati, and in the morning consumed poison that she had brought with her.

A relative of the Deceased found her at the bus stop and took her to a hospital. The Police Sub-Inspector of Kakati took the deceased's statement and sent it to the Executive Magistrate to record her dying declaration. The Deceased died later the same day ie 19 August 2007.

The mother of the Deceased filed an FIR under Section 306 of the IPC, read with Section 34 against the Accused and his uncle, claiming the Accused's deception and betrayal led to her daughter committing suicide. The Accused was arrested, charged with Section 306 (Abetment to Suicide), Section 376 (Punishment to Rape) and Section 417 (Punishment for Cheating).

The Second Additional Sessions Judge acquitted the Accused, giving the following reasoning:

- i. There was no allegation or proof of the Accused engaging in sexual intercourse with the Deceased under false promises of marriage.
- ii. There was no indication in the dying declaration that the Accused instigated the Deceased to consume poison.
- iii. The statement given by the mother showed that while the Deceased was in love with the Accused, the feelings were not reciprocated. There was no evidence of the accused promising to marry the Deceased.

On Appeal, the High Court of Karnataka convicted the Accused under Sections 306 and 417. The Accused appealed to the Supreme Court.

LEGAL ISSUES

- i. Whether refusal to marry would qualify as abetment to suicide, as per Section 306 of the Indian Penal Code.
- ii. What are the essentials for an act leading to suicide to qualify as abetment to suicide?
- iii. Whether the judgement given by the High Court was legally valid.

OBSERVATION BY THE SUPREME COURT

The Supreme Court, looking at all the facts and evidence, found that the dying declaration of the Deceased indicated that she and the Accused had not engaged in a physical relationship, or that the Accused engaged in sexual intercourse under false promises of marriage. Further, nothing in the declaration suggested that the Accused had instigated the Deceased to commit suicide.

Further, despite claims that the Accused had promised to marry the Deceased in front of the village panchayat, there was no proof of collaboration the same. The Court observed while it was clear that the Deceased was in love with the Accused, there was little evidence that it was reciprocated.

However, the Court held, that even if the Accused had promised to marry the Deceased, his refusal to do is not sufficient to be considered abetment to suicide. It is a case of a broken relationship, which is not something that is punishable under Section 306.

Abetment, said the Court, is intentionally instigating or aiding a person to do something. Without the aid or instigation, it would have been impossible for the person to do the thing. In order to convict a person for abetment to suicide, there must be clear mens rea on the part of the accused.

In *Ramesh Kumar vs. State of Chhattisgarh*², the Supreme Court held that statements made out of emotion in the heat of the moment are not indicators of mens rea and do not qualify as inducement to suicide.

The Court has at various points held that domestic disputes are common to everyday life, and the commission to suicide is often a result of the deceased's mental state. Without proof of guilty intention, one cannot be prosecuted for abetment to suicide over a mere disagreement or suicide.

In *M. Mohan vs. State represented by the Deputy Superintendent of Police*³, it was held that the accused must have committed a direct act with the intention to push a person into committing suicide in order to be convicted under Section 306.

² *Ramesh Kumar vs. State of Chhattisgarh* (2001) 9 SCC 618

³ *M. Mohan vs. State represented by the Deputy Superintendent of Police* (2011) 3 SCC 626

Prabhu vs. State represented by Inspector of Police & Anr⁴ further stated that a mere break up or relationship troubles are not sufficient grounds for abetment to suicide, unless the accused had deliberately created such circumstances that the deceased felt they had no option but to commit suicide.

DECISION OF THE SUPREME COURT

The Supreme Court, in its judgment authored by Justice Pankaj Mithal, held that given the facts and circumstances of the case, there was no proof that the Accused had intentionally induced the Deceased to commit suicide. The Deceased had brought poison with herself and was seemingly of the mind to consume it if she was rejected by the Accused.

The mere action of the Accused refusing to marry the Deceased is not adequate for being considered as an indicator of instigating suicide. There is no evidence of the Accused promising to marry the Deceased, and even if he did, merely breaking that promise is not abetment to suicide under Section 306 of the Indian Penal Code.

Keeping this in mind, the judgment of the Karnataka High Court was overturned, and the Accused was acquitted of all charges.

CONCLUSION

Taking one's own life is a decision born out of severe mental agony. It is only natural, that one would want to punish those responsible for said agony. However, human life is complicated, and just because someone's actions caused another pain does not mean that action was wrong. Merely because an action led to someone committing suicide does not mean that the action is inherently punishable.

The Supreme Court, in the given case, drew the line between punishing those who deliberately created circumstances that left the victim feeling as though death was their only option and those who merely had a disagreement, fought, or simply exerted their own free will.

No one is compelled to marry someone they do not wish to. It would, of course, be wrong to set such a precedent which would make people leave unwanted relationships because they are afraid of being punished should their partner make an extreme decision.

⁴ *Prabhu vs. State represented by Inspector of Police & Anr* 2024 SCC Online SC 137

The Supreme Court made it clear that merely ending a relationship, or refusing to marry someone does not make them responsible for that person's death. Through this judgement, the Court once again clearly defines the essentials for the abetment of suicide, which is not present in the actual text, fulfilling its duty of elaborating and expanding on existing laws.