

[2026 LiveLaw \(SC\) 270](#)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
MANOJ MISRA; J., MANMOHAN; J.

SLP (Cr.) No(s). 4644/2025; March 10, 2026

DHIRUBHAI NANJIBHAI PATEL LOTWALA versus STATE OF GUJARAT & ANR.

Indian Penal Code, 1860; Section 306 - Abetment of Suicide - Debt Recovery – Held a creditor making repeated phone calls or persistent demands for the return of money lent does not, by itself, constitute the offence of abetment of suicide - Such a demand is a lawful act - Supreme Court observed that in the absence of evidence showing the deceased was beaten or physically assaulted, mere demands for dues cannot be inferred as abetment - noted that the deceased might have committed suicide due to depression from being unable to clear the debt rather than due to the actions of the creditors.

Code of Criminal Procedure, 1973; Section 482 - Quashing of Proceedings - Suicide Note – Held that criminal proceedings quashed where the suicide note lacked material particulars regarding the nature, time, and place of alleged threats – Noted that where a suicide note indicts multiple creditors (nine in this case) without specifying individual roles or showing they acted as a group, a trial based on such a note would be a "futile exercise" and an "abuse of the process of the Court" – Held that Mere evidence of frequency of calls (40 calls in six months) without audio recordings or records of the content of those calls to indicate threats is insufficient to sustain a prosecution under Section 306 IPC – Appeal allowed. [Paras 10-15]

[Arising out of impugned final judgment and order dated 23-12-2024 in CRMA No. 21648/2023 passed by the High Court of Gujarat at Ahmedabad]

For Petitioner(s): Mr K Parmeshwar, Sr. Adv. Mr Febin Mathew Varghese, Adv. Ms. Lija Merin John, Adv Veda Singh, Adv. Mr Prasad Hegde, Adv. Mr N Sai Kaushal, Adv. Mr Soyarchon Khangrah, Adv. Ms Arti Sawariya, Adv. Mr. Dhiraj Abraham Philip, AOR

For Respondent(s): Mr. Prashant Bhagwati, Adv. Ms. Swati Ghildiyal, AOR Mr. Nimesh Bhatt, Adv. Mr. Md. Sadath Hussain, AOR Mr. Manish Kumar, Adv. Mr. Zeeshan Rizvi, Adv. Mr. S.islam, Adv. Mr. Hari Singh, Adv. Ms. Nikita Kumari, Adv. Mr. Md Irshad Ahmed, Adv. Ms. Padmavathi Yakama, Adv.

ORDER

1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal impugns an order of the High Court of Gujarat at Ahmedabad dated 23.12.2024, whereby CrI. Misc. Application No.21648 of 2023 filed by the appellant under Section 482 of the Code of Criminal Procedure, 1973 for quashing the First Information Report ("FIR") bearing FIR No. 11189001230013, registered at P.S. Halvad, District Morbi, and all proceedings in pursuance thereof including the charge sheet, for offences punishable under Sections 306 and 506(2) of the Indian Penal Code, 1860, has been dismissed.
4. The prosecution case in a nutshell is that the deceased committed suicide by jumping underneath a tractor trolley because he felt harassed by persistent demands to pay off the debt taken by him from several persons including the appellant. The case against the appellant is based on a suicide note alleged to have been recovered from the clothes worn by the deceased at the time of committing suicide. Besides, the investigating agency has collected CDR of calls made by the appellant to the deceased in last six

months. As per CDR report, the appellant had made 40 calls to the deceased in last six months. Based on above, the investigating agency opined that due to persistent demand to repay loan, the deceased out of desperation and persistent harassment committed suicide and, therefore, the appellant is guilty of an offence of abetment of suicide.

5. The suicide note, alleged to have been written by the deceased, states that he (i.e., the deceased) had borrowed money from 9 persons including the appellant and that they have been threatening him repeatedly for return of the money. The suicide note recites that there is no quarrel in the house and there is no dispute between him and his family members, who are living happily in the house.

6. By relying on the aforesaid suicide note, the FIR in question was lodged. After investigation, a charge-sheet was submitted on 27.02.2023.

7. The charge-sheet contains a brief narration of facts, which is extracted below:

“Brief facts of the case

Offence under Sections 306 and 506(2) of the Indian Penal Code, in such a way that the complainant's father Jayantibhai had borrowed lakhs of rupees from the accused persons and in order to repay the principal amount along with the interest, he sold his two agricultural fields, each measuring 7 bighas, his residential house, a plot in the village, and all the gold and silver jewelry belonging to his mother. Despite the same, the creditors repeatedly demanded the money, forced him to pay, and threatened to kill him if he failed to pay the money, which the father of the complainant could not bear and compelled to commit suicide by jumping into the back wheel of the tractor-trolley.

Before committing this act, he wrote a note and put it in his pocket, mentioning the names of the creditors, stating that these men repeatedly threatened to kill him every day, etc. Jayantibhai himself wrote this note. After the letter was found, the complainant in this case filed a complaint, and a report was registered. The call details of the victim's mobile number were obtained. Upon reviewing the call details, it was found that the victim's number had been called repeatedly from the mobile phone number of the accused. After questioning accused No. 1, he stated that he had lent two lakh rupees to the victim, Jayantibhai, and in return, had received a cheque from SBI Bank. He had been repeatedly trying to collect this money, both in person and through phone calls. Therefore, accused No. 1 was arrested for this offense.

Accused Nos. 2 to 7, after obtaining anticipatory bail from the court of the 2nd Additional Sessions Judge, Morbi, provided the following statements:

- Accused No. 2 stated that in 2018, his father had lent Rs. 1,00,000 and his mother had lent Rs.5,00,000, totaling Rs. 6, 00, 000 to the victim.
- Accused No. 3 stated that he lent Rs. 14,00,000/- and had a mortgage written for it, which he presented.
- Accused No. 4 stated that he lent Rs. 17,50,000/- on 01/04/2017, and a promissory note in this regard was made on a Rs.100 stamp paper, which he presented.
- Accused No. 5 stated that he lent Rs. 1, 00, 000 and collected the money given by the mother of accused No.2.
- Accused No. 6 lent Rs. 5,50,000/- in 2020.
- Accused No. 7 lent Rs. 50,000 and then another Rs. 50,000/- in 2022.
- Accused No. 8 lent Rs. 4, 00, 000/- in 2019, and in return, he received a cheque from SBI Bank. He later lent another Rs. 6,00, 000/-, bringing the total to Rs. 10, 00, 000/-, and presented the cheque.

Accused No. 9 was granted a stay against his arrest until 22.06.2023 by the Hon'ble High Court of Gujarat, as per the order dated 16.01.2023 in CRMA No. 1161/2023, converted from CRMA No. 2069/2023. As a result, he has not been arrested. However, during the investigation,

it was discovered that he had repeatedly called the victim from his mobile phone, and the victim mentioned his name in a letter before his death.

Therefore, sufficient evidence has been collected against the accused persons, and I am submitting a charge-sheet against the accused to initiate judicial action. ”

8. The High Court dismissed the quashing petition on the ground that there exists material on record to prima facie indicate that the creditors had been making repeated calls, and the suicide note, besides naming the accused, states that threats were extended by those creditors.

9. Aggrieved by dismissal of the quashing petition, this appeal has been filed.

10. The learned counsel for the appellant submits that it is not in issue that the deceased had borrowed money from several persons and had defaulted in payment of the money borrowed by him. The material collected during investigation only reflects that those creditors (i.e., the accused) who had lent money to the deceased had made phone calls to the deceased. Admittedly, the contents of those calls are not on record and there is no audio recording to indicate that any threat was extended. As far as the suicide note is concerned, though it alleges that creditors have been extending threats, there are no details of how and where those threats were extended. Further, there are 9 persons named in the suicide note, but it is not specified as to who extended what kind of threat and when. Besides, it is not shown that they constitute one group, or are part of a family, and are harassing the deceased as a group of persons. Moreover, if a creditor makes a demand for return of the money lent, demand being a lawful act, that by itself cannot constitute an offence of abetment. As regards the allegation of extending life threats, the same is not substantiated by any cogent evidence except the cryptic statement in the suicide note. Even the evidence collected during investigation does not narrate any incident wherein such threats might have been extended to the deceased by any of the accused. In such circumstances, it is submitted by the learned counsel for the appellant, continuance of the proceedings would amount to abuse of the process of the court and to secure the ends of justice, such proceedings should be quashed.

11. Per contra, on behalf of the State, it is submitted that upon investigation it was found that 40 mobile calls were made to the deceased by the appellant-accused in last six months and since the suicide note implicates the creditors including the appellant, it is possible that such threats may have driven the deceased to commit suicide, therefore, it is a matter of trial whether those threats would amount to abetment of suicide or not. Hence, he prayed that the appeal should be dismissed.

12. We have accorded due consideration to the rival contentions and have perused the materials placed on record.

13. What is evident from the charge-sheet submitted by the investigating agency is that the deceased had borrowed money from multiple accused. Insofar as the present appellant is concerned, it appears the deceased initially borrowed Rs. 4 lacs and in lieu thereof, issued a cheque drawn on State Bank of India. Later, Rs. 6 lacs were also lent. The only basis on which the charge-sheet has been laid against the accused is the suicide note coupled with the call detail records which indicate that 40 phone calls were made by the appellant to the deceased in last six months. As far as the suicide note is concerned, we find that it lacks material particulars regarding the nature of those threats and the time and place when those threats were extended. Moreover, the suicide note indicts as many as 9 accused without specifying the role of any one of them. It is not the case of the prosecution that all accused belong to one family or were harassing the deceased as a group. Further, the deceased has painted all creditors with one brush. Therefore, a trial

based on such a suicide note would be a futile exercise. Besides, if a creditor makes a phone call to the debtor for return of his money that being a lawful act, it cannot on its own constitute a ground to prosecute the creditor. Moreover, the deceased may have committed suicide on account of depression for not being able to clear of the debt.

14. In such circumstances, particularly when there is no material to indicate that the deceased was beaten or physically assaulted to return the dues, we are of the view that there is hardly any material on basis whereof it could be inferred that the appellant by demanding his dues abetted commission of suicide by the deceased. In our view, therefore, the continuance of the proceedings against the appellant would be a futile exercise and would amount to abuse of the process of the Court. Hence, to secure the ends of justice, it is necessary that the same be quashed.

15. Consequently, the appeal is allowed. The order passed by the High Court is set aside. The impugned criminal proceedings qua the appellant are hereby quashed.

16. Pending application(s), if any, shall stand disposed of.

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