



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE  
FIR/ORDER) NO. 23600 of 2022**

**FOR APPROVAL AND SIGNATURE:**

**HONOURABLE MR.JUSTICE P. M. RAVAL**

Approved for Reporting	Yes	No

RAKESHKUMAR RAMANBHAI GOHIL  
 Versus  
 STATE OF GUJARAT & ANR.

Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1  
 MR MAHESHB BARIYA(2234) for the Respondent(s) No. 2  
 MR RAVINDRA P PATEL(5276) for the Respondent(s) No. 2  
 MR. ROHAN SHAH, APP for the Respondent(s) No. 1

**CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**

**Date : 17/06/2026**

**JUDGMENT**

1. Rule fixed forthwith. Learned APP waives service of rule on behalf of the respondent-State.

2. By way of the present application, the applicant has invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, seeking quashment of FIR being C.R. No. 11191035210798 of 2021 registered with Naroda Police Station on 12.05.2021 for the offences punishable under Sections 306, 506(2) and



120B of the Indian Penal Code and all consequential proceedings arising therefrom.

3. Facts of the FIR in nutsheel to the effect that:-

(a) He is residing with family and his brother doing construction work in partnership in the name and style as Orchid Royal. It is stated that his father Madhubhai was also doing construction work earlier thereafter he has stopped construction work. It is stated that his father and Patel community attach with so many person. It is stated that on 7.5.2021 he received call from one Vipul who informed his father is not well and immediately called at the hospital. It is stated that whent he complainant reached to the place, he was informed by Bhargavbhai that he along with one Vipul, were sitting in the officer at that time he received a call from agrucultural laborer kanubhai who look after land of village muthidya survey No. 79 and informed that Madhubhai is not well, on such information that complainant along with other people reached to the place and Madhu was taken to hospital. It is stated that at around 10:00 O'clock in the night his his father died accordingly intimation was given to the police and on the next day near the bed 4 pages note was found and it is stated in the note that though it was decided 20% profit in respect of land situated at Ratanpur, the profit was actually not given and therefore he is taking this step and



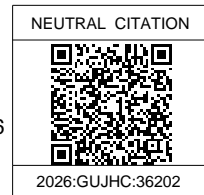
Prabhudasbhai to be punished for this.

(b) It is stated also that in 2010 his father developed friendship with Prabhudasbhai and as Prabhudas was NRI and resides at London, he frequently used to come to his native. It is stated that during the visit to India he also came into contact with complainant's brother and family members known to each other. It is stated that Prabhudas had land at village Ratanpur Block Survey No. 493 (old 256), 492(255), Block survey No. 488 (old 253), in all 18 vighas of land in the ownership of Prabhudasbhai. It is stated that though in the revenue record the land was in the name of Prabhudas, however, one Vinod @ Annu who claimed to his partner and he was harassing Prabhudasbhai and not allowing Prabhuds to enjoy his own land, so as to se Vinod's harassment towards land in question of Prabhudas be removed, therefore father of the complainant had helped Prabhudas and thereafter father of the complainant and Prabhudas both in 2012 cleared the land, possession is also restore to Prabhudas. It is stated that it was thereafter agreed to dispose of the land jointly in favour of third party and whatever profit received it was agreed that Prabhudas will pay 20% profit to the father of the complainant. This is known the family members of the complainant. It is stated that in 2020 as Prabhudas was not interested to give 20% share, he has given power of attorney in favour of Rakesh Gohil and thereafter false application was made to the land



grabbing committee. It is stated that pursuant to which statements of the father of the complainant was recorded in October 2020 and thereafter he frequently made complain that Prabhudas has not given his share and they have made conspiracy so as to see that father of the complainant not paid him. It is also stated that Rakesh and Vinod both asked him not to interfere in the land or else to face serious consequences.

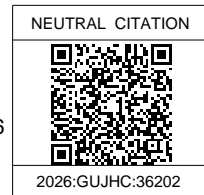
(c) It is stated that as father of the complainant has not made compromise and therefore at Dabhoda Police Station an FIR came to be filed as CR. No. 11216004210091 of 2021 for the offences punishable under Sections 456, 467, 468, 471 and 120B of IPC as well as under Section 4(1) and 4(3-5) of the Gujarat Land Grabbing Prohibition Act, the FIR was filed on 16.03.2021. It is stated that after registration of the FIR father of the complainant was not feeling well and talks for compromise was made, however, to make compromise Rs. 90 lakhs was asked for and also informed 20% profit has to forgo, on such condition compromise was not fulfilled. It is stated that it is only with a view to not to pay 20% profit amount, harassment was caused for which the father of the complainant was in tense situation. It is stated that on account of said reason his father committed suicide. With the aforesaid and certain other allegations FIR came to be filed.



4. Pursuant to the registration of the aforesaid FIR, charge-sheet came to be filed. Thereafter, the application for discharge preferred by the applicant below Exh. 8 in Sessions Case No. 379 of 2021 came to be rejected by order dated 08.12.2022. Aggrieved thereby, the applicant has approached this Court.

5. Learned advocate Mr. Ashish Dagli appearing for the applicant submitted that the investigating agency has failed to collect material documents which go to the root of the matter. It is contended that even if the allegations contained in the FIR are accepted in their entirety, the essential ingredients of the offence punishable under Section 306 of the IPC are not made out.

6. It is submitted that no agreement was ever executed between the present applicant and the deceased. According to the applicant, the allegation that the deceased had acquired any right, title or interest in the land in question is wholly concocted. Learned advocate submitted that the applicant had lodged proceedings under the provisions of the Land Grabbing Act against the deceased. Pursuant thereto, anticipatory bail preferred by the deceased came to be rejected by the learned Sessions Judge and the proceedings before this Court were withdrawn on 05.05.2021. It is thereafter that the deceased committed

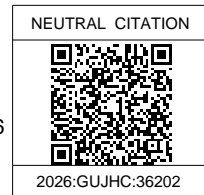


suicide on 07.05.2021.

7. Learned advocate further submitted that the applicant had also lodged an FIR with Dabhoda Police Station for the offences punishable under Sections 465, 467, 468, 471 and 120B of the IPC alleging that the deceased had created a forged Agreement to Sell in respect of the land in question. It is contended that though the market value of the land was approximately Rs.4.11 crores, the deceased claimed to have paid only Rs.51 lakhs under the alleged agreement. According to the applicant, the entire transaction was fraudulent and forged and an attempt was made to illegally occupy the land, compelling the applicant to approach the competent authorities under the Land Grabbing Act.

8. It is further submitted that pursuant to the complaint lodged by the applicant, proceedings were initiated against the deceased and anticipatory bail preferred by him came to be rejected by the learned Sessions Court and was subsequently withdrawn before this Court.

9. Learned advocate also referred to an application dated 05.03.2020 submitted by the applicant before the Mamlatdar, Gandhinagar, alleging illegal activities being carried out by the deceased on the agricultural land in question, including damage to standing trees, and



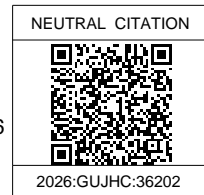
requesting immediate action.

10. It is submitted that the deceased never instituted any civil proceedings for enforcement of any alleged right under the purported Agreement to Sell. Upon a cumulative consideration of the material collected during investigation and the charge-sheet papers, it is contended that no offence under Section 306 of the IPC is disclosed.

11. Learned advocate further argued that the investigating agency failed to consider the FIR lodged by the applicant under the Land Grabbing Act as well as the allegations regarding the forged Agreement to Sell allegedly relied upon by the deceased.

12. It is therefore submitted that the entire prosecution is founded upon an unsubstantiated claim of right over the land in question. On the contrary, the material on record prima facie indicates that the Agreement to Sell itself was forged, in respect of which a separate complaint had already been lodged by the applicant. It is therefore urged that the present application deserves to be allowed.

13. *Per contra*, learned APP Mr. K.M. Antani opposed the application and submitted that the circumstances leading to the suicide of the deceased clearly reveal the conduct

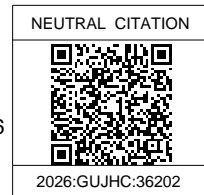


adopted by the applicant. Referring to the contents of the FIR, it is submitted that the applicant demanded an amount of Rs.90 lakhs from the son of the deceased and also sought to deprive the deceased of his alleged 20% share in the sale consideration of the land.

14. It is submitted that despite the deceased having entered into an agreement in respect of the property and having raised a tin structure thereon, the applicant, who was acting as power-of-attorney holder of the original land owner, initiated proceedings under the Land Grabbing Act solely as a pressure tactic. According to the prosecution, the deceased succumbed to such pressure and ultimately committed suicide.

15. Learned APP further referred to the judgments relied upon in the charge-sheet and submitted that a prima facie case is made out against the applicant and, therefore, the application deserves to be rejected.

16. Learned advocate Mr. Mahesh Baria appearing for respondent No.2 – original complainant, along with learned advocate Mr. Ravindra Patel, adopted the submissions advanced by the learned APP. It was submitted that the applicant, being the power-of-attorney holder, demanded Rs.90 lakhs and sought to deprive the deceased of his



alleged entitlement arising from the proposed transaction. It was contended that a false complaint under the Land Grabbing Act was deliberately lodged against the deceased as part of a larger conspiracy, which ultimately drove him to commit suicide.

17. It was further submitted that the suicide note left behind by the deceased specifically refers to the conduct of the applicant and clearly discloses his complicity. It is therefore urged that sufficient material exists to proceed against the applicant and the present application deserves to be dismissed.

18. Heard learned advocates for the respective parties and perused the material on record.

19. Learned counsel has placed reliance upon the judgment of the Hon'ble Supreme Court in ***Mahendra Awase v. State of Madhya Pradesh, (2025) 4 SCC 801***, particularly paragraphs 23 and 24 thereof, wherein it has been observed as under:

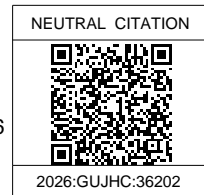
*“23. This Court has, over the last several decades, repeatedly reiterated the higher threshold, mandated by law for Section 306 IPC (Now Section 108 read with Section 45 of the Nyaya Sanhita, 2023) to be attracted. They however to be casually and too readily resorted*



*to by the police. While the persons involved in genuine cases where the threshold is met should not be spared, the provision should not be deployed against the individuals, only to assuage the immediate feelings of the distraught family of the deceased.*

*24. The conduct of the proposed accused and the deceased, their interactions and conversations preceding the unfortunate death of the deceased should be approached from a practical point of view and not divorced from day to day realities of life. Hyperboles employed in exchanges should not, without anything more, be glorified as an instigation to commit suicide. It is time the investigating agencies are sensitised to the law laid down by this Court under Section 306, so that persons are not subjected to the abuse of process of a totally untenable prosecution. The trial courts also should exercise great caution and circumspection and should not adopt a play it safe syndrome by mechanically framing charges, even the investigating agencies in a given case have shown utter disregard for the ingredients of Section 306.”*

20. The allegation regarding the deceased's entitlement to 20% share in the sale consideration of the land remains a bare assertion unsupported by any legally enforceable document. Neither the deceased nor the complainant appears to have initiated any civil proceedings asserting such right despite claiming that an Agreement to Sell had been executed in respect of land valued at approximately



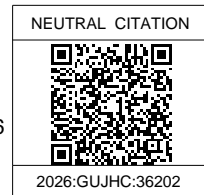
Rs.4.11 crores and that a sum of Rs.51 lakhs had been paid thereunder.

21. It is also evident from the record that the deceased committed suicide on 07.05.2021, merely two days after withdrawal of the anticipatory bail proceedings arising from the complaint lodged against him under the Land Grabbing Act.

22. Except for the allegations regarding demand of Rs.90 lakhs and the assertion that the deceased would be deprived of his alleged 20% share, there is no material on record substantiating such allegations. On the contrary, the very Agreement to Sell relied upon by the prosecution forms the subject matter of allegations of forgery levelled by the applicant.

23. According to the prosecution, the applicant, being the power-of-attorney holder of the original land owner, harassed the deceased by initiating proceedings under the Land Grabbing Act and lodging the FIR against him.

24. Even according to the FIR, the deceased remained under stress on account of the criminal proceedings initiated against him and because the registration of the FIR had been reported in the media, allegedly causing social



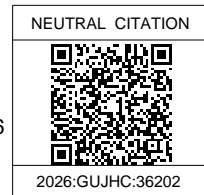
embarrassment and loss of reputation.

25. However, upon a comprehensive consideration of the material placed on record, this Court is unable to conclude that the ingredients necessary to constitute abetment of suicide are satisfied. There is no material indicating any direct or active act on the part of the applicant which left the deceased with no option except to commit suicide.

26. At best, the material indicates that the deceased remained under tension owing to the proceedings initiated against him and the perceived social consequences thereof. Such circumstances, by themselves, do not establish the ingredients of abetment as contemplated under Section 107 of the IPC.

27. The material on record rather suggests that the deceased reacted in a hypersensitive manner to the situation arising from the criminal proceedings initiated against him. The conduct attributed to the applicant is not such as would ordinarily drive a similarly situated person to commit suicide.

28. There is no material demonstrating a continuous course of conduct, intentional provocation, instigation or active aid on the part of the applicant creating a situation



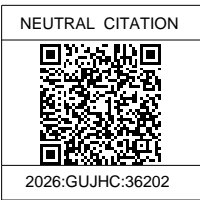
where the deceased was left with no alternative except to end his life.

29. Merely because the applicant exercised his legal remedies by lodging complaints alleging land grabbing and forgery, it cannot be said that such acts were intended to compel the deceased to commit suicide. Exercise of a legal right available under law cannot, by itself, be construed as an act of instigation or abetment.

30. This Court therefore does not find any material indicating that the applicant provoked, incited, instigated or intentionally aided the commission of suicide by the deceased.

31. In the considered opinion of this Court, continuation of the criminal proceedings against the applicant for the offence punishable under Section 306 of the IPC would amount to an abuse of the process of law. No prima facie case is made out against the applicant warranting his trial for the alleged offence.

32. Resultantly, the present application succeeds and is hereby allowed. FIR being C.R. No. 11191035210798 of 2021 registered with Naroda Police Station and all consequential proceedings arising therefrom are hereby



quashed and set aside qua the present applicant.  
Rule is made absolute to the aforesaid extent.

MOHD SAIF ULLAH

**(P. M. RAVAL, J)**