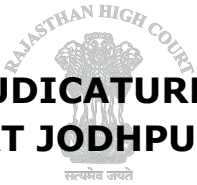




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Revision Petition No. 263/2021
CNR: RJHC010193912021 | URN: CRLR / 640U / 2021

1. Smt. Swarna Kalra W/o Puran Chand Kalra, Aged About 66 Years, Subhashpura, Bikaner.
2. Smt. Meena Godwani W/o Ramesh Balani, Aged About 61 Years, Marudhara Nagar, Bikaner.

-----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Chhaganlal S/o Sh. Karnidan, Chaukhunti Gajnare Road, Bikaner.

-----Respondents

Connected With

S.B. Criminal Revision Petition No. 262/2021
CNR: RJHC010193692021 | URN: CRLR / 637U / 2021

Ravi Bhatnagar @ Ravindra S/o Krishna Bihari Lal, Aged About 54 Years, R/o Near Old Light House, Bikaner.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Chhaganlal S/o Karnidaan, R/o Near Chaukhuti Phatak, Gajner Road, Bikaner.

-----Respondents

For Petitioner(s)	:	Mr. Muktesh Maheshwari Mr. Abhishek Mehta
For Respondent(s)	:	Mr. Sri Ram Choudhary, PP Mr. D.S. Gharsana

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

23/07/2026

By way of filing the present criminal revision petitions, the petitioners have challenged the order dated 09.02.2021 passed by



the learned Additional Sessions Judge No.6, Bikaner, in Sessions Case No.28/2020 (CIS No.29/2018), whereby charges have been framed against them for the offence punishable under Section 305 of the Indian Penal Code.

Learned counsel for the petitioners submitted that the complainant lodged a complaint alleging that his daughter, Kumari Durga Suthar, a student of Class XII at Rashtriya Sahayak Senior Secondary School, Roshnigar Chauraha, committed suicide by hanging herself on 19.10.2005. It was alleged that the deceased had left behind a suicide note stating that her teachers, namely, Subhash Swami, Ravi, Swarna and Meena, used to harass and insult her and were attempting to expel her from the school without any justifiable reason.

Learned counsel submitted that, after conducting a thorough investigation, the Investigating Officer submitted a negative Final Report upon concluding that the deceased was irregular in attending classes and was not studying properly, for which she was reprimanded by her teachers. According to the Investigating Agency, the deceased felt distressed on account of such reprimand and thereafter took the extreme step of committing suicide. It was contended that the learned trial Court committed a manifest error in framing charges against the petitioners, as neither the allegations contained in the complaint nor the material collected during investigation disclose the essential ingredients of the offence punishable under Section 305 IPC. Learned counsel submitted that, before an offence under Section 305 IPC can be said to have been made out, the prosecution must first establish the ingredients of abetment as defined under Section 107 IPC. In



the present case, neither instigation nor intentional aid, as contemplated under Section 107 IPC, is discernible from the material on record. On these grounds, learned counsel prayed that the impugned order framing charges be quashed and the petitioners be discharged.

Per contra, learned Public Prosecutor as well as learned counsel for the complainant vehemently opposed the revision petitions. Learned counsel for the complainant submitted that the material collected during investigation, including the suicide note recovered by the Investigating Agency, clearly indicates that the continuous harassment and humiliating conduct of the petitioners compelled the deceased, a young student of Class XII, to commit suicide. It was further submitted that, at the stage of framing of charge, the Court is not required to undertake a meticulous appreciation of the evidence or record a conclusive finding regarding the guilt of the accused. Since the material available on record *prima facie* discloses the commission of the alleged offence, the learned trial Court has rightly framed charges against the petitioners.

Heard learned counsel for the parties and perused the material available on record.

Upon a careful examination of the record, this Court finds that the Investigating Agency, during the course of investigation, found that the deceased was not attending classes regularly and was repeatedly advised by her teachers to attend classes, prepare for her studies and appear in the regular class tests. The statements of the teachers as well as the classmates of the deceased also reveal that she was asked to bring her father to the





school if she continued to remain irregular in her studies. Upon completion of investigation, the police submitted Negative Final Report No.114/2006 dated 19.09.2006, concluding that no offence was made out against the petitioners.

It is well settled that, for constituting an offence punishable under Section 305 IPC, the foundational requirements of abetment as defined under Section 107 IPC must first be established. Section 107 IPC contemplates abetment by way of instigation, conspiracy or intentional aid. Mere reprimand, criticism or disciplinary action, in the absence of any positive act of incitement or intentional assistance coupled with the requisite *mens rea*, cannot amount to abetment of suicide.

In the present case, the allegation against the petitioners is essentially that, by their conduct as teachers, they caused mental distress to the deceased. It is equally well settled that the relationship between a teacher and a student is founded upon discipline, guidance and academic supervision. A teacher is duty-bound to maintain discipline and may legitimately reprimand a student for irregular attendance, poor academic performance or indiscipline. Such acts, performed in the ordinary course of discharging professional duties, cannot, by any stretch of imagination, be construed as instigation or intentional aid to commit suicide.

Prima facie, there is no material available on record to indicate that the petitioners possessed the requisite *mens rea* or committed any positive, direct or active act intended to drive the deceased to commit suicide or to create a situation in which she was left with no option except to take the extreme step. In the



absence of the essential ingredients of Section 107 IPC, the offence punishable under Section 305 IPC is not made out.

Accordingly, this Court is of the considered opinion that the learned trial Court committed a manifest error in framing charges against the petitioners under Section 305 IPC.

Consequently, the present criminal revision petitions are allowed. The order dated 09.02.2021 passed by the learned Additional Sessions Judge No.6, Bikaner, in Sessions Case No.28/2020 (CIS No.29/2018), framing charges against the petitioners under Section 305 IPC is hereby quashed and set aside. The petitioners stand discharged from the said offence.

Stay petitions and all pending applications, if any, stand disposed of.

(KULDEEP MATHUR),J

9-10/Divya Raj Jasmatiya/660