



1 NEUTRAL CITATION NO. 2026:MPHC-IND:19894

Cr. R. NO. 2586/2024

**IN THE HIGH COURT OF MADHYA
PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

CRIMINAL REVISION No. 2586 of 2024

THE STATE OF MADHYA PRADESH

Versus

SURESH BHADORIYA AND OTHERS

Appearance:

Shri Aditya Garg – GA for the petitioner/State.

Shri Hemendra Jain -Advocate for the respondent [R-1].

Reserved on : 16.07.2026

Post on : 22.07.2026

ORDER

1. The present criminal revision petition has been preferred by the revisionist under Section 397 read with Section 401 of the Code



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of Criminal Procedure, 1973. It seeks the intervention of this Court to examine the legality and propriety of the proceedings conducted by the subordinate court.

2. The primary challenge in this petition is directed against the impugned order dated 14.11.2022, which was passed by the learned Sessions Judge, District Indore, in the matter of Session Trial No. 834/2022. The revisionist is the aggrieved party challenging the relief granted to the private respondents. Vide the aforementioned impugned order, the learned trial Court has discharged respondent No.1 and 2 from the serious charges framed against them under Section 306 read with Section 34 of the Indian Penal Code (IPC). The revisionist seeks to set aside this order of discharge.

FACTS IN BRIEF

3. As per the prosecution case, on the date of 11.06.2018, Marg No.46/2018 was formally registered at Police Station Khudel, Indore, Madhya Pradesh. This registration was initiated immediately on the basis of the initial information received from the brother of the deceased. The informant, Sparsh, reported the tragic news that his sister, had passed away due to the administration of an anesthetic injection from a bottle. At the time



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of the incident, the deceased was actively pursuing her Doctor of Medicine (M.D.) degree from Index Medical College, Indore.

4. The brother of the deceased had received this devastating information through a phone call made by the deceased's batch-mate, Dr.Prakhar Gupta. Upon receiving the news, the brother along with their parents immediately rushed from Bhopal to the college premises in Indore. Upon arriving at Room No.210, P.G. Residency Basera building, Index Medical College, to their utter shock and dismay, they discovered that the deceased had a bottle in her left hand and had already passed away. Following the investigation, an FIR was registered on 07.07.2018 against the accused under Section 306/34 of IPC.

5. Following the initial inquiry, a First Information Report was registered on 07.07.2018 against the accused Suresh Bhadoria and Dr.K.K. Khan. Upon the formal completion of the police investigation, the charge sheet was subsequently filed before the competent court. The prosecution case fundamentally relied upon the deceased woman's suicide note and the statements of witnesses. These specific documents and testimonies were utilized as the primary grounds for charging the accused individuals in the present criminal case. The deceased's suicide note specifically alleges that she committed suicide because the accused persons arbitrarily



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demanded excessive fees. Furthermore, the note asserts that she was subjected to severe mistreatment and was continuously tortured by the management and the department head. Specifically, the accused, Suresh Bhadauria, who is the chairman of Mayank Welfare Society, and Dr.K.K. Khan, the head of the department, were alleged to have actively harassed her. This continuous harassment allegedly led the deceased to take the extreme step of ending her life.

6. The matter subsequently progressed to the Session Court for the framing of charges. However, after hearing the arguments advanced by both parties, the learned Trial Court passed the impugned order on 14.11.2022, erroneously discharging the accused, which has led to the filing of this revision.

CONTENTIONS OF THE REVISIONIST

7. The learned counsel for the revisionist vehemently contends that the impugned order of the learned trial Court is entirely contrary to the established law and the facts available on record. It is argued that the order is neither legal nor proper, nor correct in its appreciation of the material. It is submitted that Respondents 1 and 2 had a direct and undeniable role in inciting the deceased to commit suicide. The revisionist claims that the accused continuously harassed and abetted the deceased by arbitrarily



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demanding an extra, unauthorized fee of Rs.4 Lakhs over the rightfully determined fee of Rs. 8,55,000/-.

8. The revisionist further asserts that the deceased was regularly and systematically harassed by Dr.K.K. Khan, the Head of the Department of Anesthesia, and Suresh Bhadoriya, the Chairman of Index Medical College. It is contended that this immense pressure compelled her to take the unfortunate step. Strong reliance is placed on the specific wordings of the suicide note left by the deceased, which explicitly read: *“I totally hold Mr.Suresh Bhadoriya (Chairman) his management along with Dr.K.K. Khan (HOD) responsible for my Death.”* The revisionist argues this constitutes direct incitement.

9. To substantiate the claim of continuous harassment, it is highlighted that the deceased had previously filed a writ petition, WP No.18901/2016, along with other students. This petition challenged the arbitrary demand of excess fees and is currently pending before the Hon’ble High Court of MP at Jabalpur.

10. The revisionist relies heavily on the legal principles established in the case of **Ude Singh & Ors. v. State of Haryana, (2019) 17 SCC 301**, regarding continuous harassment. Furthermore, reliance is placed upon **Ramji Prasad v. State of UP,**



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2023 SCC OnLine All 33, arguing that discharge is warranted only when there are no chances of conviction. The revisionist further placed heavy reliance upon the judgment of the Hon'ble Supreme Court in **Geo Varghese vs. the State of Rajasthan and Anr 2021 INSC 618**. It is contended that the continuous and severe nature of the administrative harassment in the present matter crosses the threshold of ordinary institutional reprimand, thereby falling within the purview of actionable instigation.

CONTENTIONS OF THE STATE / RESPONDENT

11. *Per contra*, the State authorities and the private respondents have vehemently opposed the present revision petition. They stand firmly by the reasoning adopted by the learned trial Court, submitting that the impugned order of discharge is entirely well-reasoned and legally sound.

12. The respondents forcefully contend that the fundamental ingredients required to attract Section 306 of the IPC are conspicuously absent. They argue that the administrative act of demanding fees or managing academic affairs was not the direct and proximate cause of the unfortunate suicide. It is further submitted by the defense that the essential element of *mens rea*, which is a mandatory pre-requisite for establishing abetment, is



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entirely lacking. The respondents argue that there was no active incitement, urging, or positive act intended to push the deceased to end her life.

13. The defense concludes by stating that routine administrative disputes concerning fee structures, leaves, or stipends cannot legally be equated with criminal abetment. Therefore, the trial Court acted well within its legal jurisdiction by refusing to frame charges on such deficient material.

ANALYSIS AND CONCLUSION

14. Heard both the parties and perused the record available.

15. At the very outset, it is essential to delineate the boundaries of revisional jurisdiction under the Code of Criminal Procedure. This jurisdiction is strictly supervisory in its nature and scope, designed primarily to correct manifest illegalities or gross jurisdictional errors committed by subordinate courts.

16. The legal framework surrounding Section 306 of the IPC is well crystalized by the Apex Court. To successfully establish the charge of abetment, the prevailing law dictates that the act of the accused must inevitably be the direct and proximate cause of the tragic suicide. In the landmark case of **Sanju v. State of M.P.,**



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(2002) 5 SCC 371 : (2002) SCC (Cri) 1141 : 2002 SCC OnLine

SC 548 at page 375, the Hon'ble Supreme Court elucidated the concept of instigation as follows:

“12. The word “instigate” denotes incitement or urging to do some drastic or inadvisable action or to stimulate or incite. Presence of mens rea, therefore, is the necessary concomitant of instigation. It is common knowledge that the words uttered in a quarrel or on the spur of the moment cannot be taken to be uttered with mens rea. It is in a fit of anger and emotion.”

17. Further enriching this jurisprudence, the Hon'ble Apex Court in the recent judgment of **Prakash and others vs. the State of Maharashtra and Anr. 2024 INSC 1020** has authoritatively held the following regarding the necessity of a positive act:

“17. This Court held that abetment involves the mental process of instigating a person or intentionally aiding a person in doing of a thing. Therefore, without a positive act on the part of the accused to instigate or aid a person in committing suicide, conviction cannot be sustained. This Court further observed that the intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 of IPC, there has to be a clear mens rea to commit the offence. Abetment also requires an active act or direct act which led the deceased to commit suicide seeing no other option and that act must have been intended to push the deceased into such a position that he committed suicide.

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However, this Court has cautioned that since each person reacts differently to the same provocation depending on a variety of factors, it is impossible to lay down a straightjacket formula to deal with such cases. Therefore, every such case has to be decided on the basis of its own facts and circumstances.

22. It could thus be seen that this Court observed that in cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It has been held that since the cause of suicide particularly in the context of the offence of abetment of suicide involves multifaceted and complex attributes of human behaviour, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. This Court further observed that a mere allegation of harassment of the deceased by another person would not suffice unless there is such action on the part of the accused which compels the person to commit suicide. This Court also emphasised that such an offending action ought to be proximate to the time of occurrence. It was further clarified that the question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused. It was further held that if the acts and deeds are only of such nature where the accused intended nothing more than harassment or a snap-show of anger, a particular case may fall short of the offence of abetment of suicide, however, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. This Court held that owing to the fact that the human



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mind could be affected and could react in myriad ways and that similar actions are dealt with differently by different persons, each case is required to be dealt with its own facts and circumstances.”

18. While analyzing the impugned order, this Court notes the extensive and well-reasoned findings recorded by the learned trial Court. The lower court correctly observed that while the suicide note named the accused, it also mentioned multiple circumstances and was addressed to several persons.

19. The trial Court meticulously examined the witness statements and call detail records (CDR). It found that the deceased, was in a live-in relationship with Dr.Prakhar Gupta, who was 28 years old while the deceased was 32. Dr.Prakhar's refusal to marry her due to the age difference caused her severe depression and led to frequent quarrels.

20. The trial Court further noted crucial evidentiary discrepancies, observing that the alleged suicide note was actually recovered from Dr.Prakhar Gupta's room at the Palash Hostel, not from the deceased's immediate possession. Witness Dr.Satyansh Pratap Singh even testified to seeing Dr.Prakhar hurriedly hiding a note in a drawer.



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21. Furthermore, the subordinate court rightly highlighted glaring flaws in the prosecution's investigation. Statements recorded under Section 161 of the CrPC appeared to be mechanically prepared through a "cut, copy, and paste" method, as all witnesses inexplicably cited the date of death incorrectly as 14.06.2018, and lacked proper dates of recording.

22. Regarding the fee dispute, the trial Court correctly reasoned that the demand for an increased fee (from Rs.855,000 to Rs.990,000) was already the subject matter of Writ Petition No. 18901/2016 before the Hon'ble High Court, wherein an interim stay had already been granted protecting the deceased and 29 other students.

23. Applying these overarching legal principles to the specific factual matrix of the present dispute, it becomes evident that the act of the accused must be the direct and proximate cause of the suicide. Institutional friction regarding fee hikes, stipends, and leaves, entirely devoid of any malicious intent to cause death, fails to satisfy this stringent legal test.

24. Upon a careful and circumspect scrutiny of the material available on record, it is clear that the case of abetment of suicide does not met. The allegations leveled by the prosecution reflect

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civil and administrative disputes which inherently lack the proximate *mens rea* required by law to substantiate a grave charge under Section 306 of the IPC.

25. The revisionist's reliance on **Geo Varghese vs. the State of Rajasthan and Anr 2021 INSC 618** is legally misplaced and the facts of that case are clearly distinguishable. In that precedent, the judicial focus was strictly on whether ordinary disciplinary actions by authorities harbored the requisite criminal intent to drive a student to suicide. The **Geo Varghese(Supra)** judgment reiterates the strict necessity of a direct, proximate act and clear *mens rea*, both of which are conspicuously absent in the present matter. Administrative disputes regarding institutional fees cannot be artificially elevated to the status of criminal abetment merely because the deceased felt aggrieved by the management's policies.

26. Similarly, the reliance on **Ude Singh & Ors. v. State of Haryana, (2019) 17 SCC 301**, and **Ramji Prasad v. State of UP, 2023 SCC OnLine All 33**, does not assist the revisionist. While these judgments discuss continuous harassment and the threshold for discharge, the present factual matrix fundamentally lacks the essential ingredient of a direct, proximate act that left the deceased with no other option.

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27. Upon an independent and meticulous examination of the entire investigation and prosecution documents on record, this Court finds that the dispute over the fee hike, denial of leave by the college HOD, deduction of stipend amount for absence, and the alleged harassment for filing a writ petition, cannot be legally construed as reasons that instigated the deceased to commit suicide. On the contrary, considering the state of depression the deceased was in, the challenging circumstances she was living in, and the specific manner in which she authored the suicide note, this Court finds it legally untenable to hold the accused responsible for driving the deceased to commit suicide.

28. In light of the comprehensive analysis undertaken above, it is the firm finding of this Court that the act of abetment is not apparent prima facie. The fundamental ingredients required to legally frame a charge under Section 306 of the Indian Penal Code are conspicuously missing from the prosecution's narrative and the evidentiary record. A holistic reading of the evidence reveals a complete absence of direct or proximate instigation by the accused. Therefore, the essential prerequisites to compel the accused to face a criminal trial are legally non-existent, and the impugned order of discharge passed by the trial Court is perfectly justified.



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29. Therefore, the accused are legitimately discharged under Section 306/34 of the Indian Penal Code, and the impugned order is found to be perfectly legal. The said order does not suffer from any jurisdictional error, patent illegality, material irregularity, or perversity that would warrant any revisional interference by this Court under its supervisory powers.

30. For all the reasons comprehensively discussed and elaborated hereinabove, the present criminal revision petition completely fails to make out a case for judicial interference. Consequently, finding the revision petition to be entirely devoid of legal merits, it is hereby **dismissed.**

31. Any pending interlocutory applications connected with this criminal revision petition shall stand disposed of. No order as to costs.

(Jai Kumar Pillai)
Judge