



CRM-M-20280-2017 (O&M)

...Petitioners

...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	22.07.2026
2	The date when the judgment is pronounced	29.07.2026
3	The date when the judgment is uploaded on the website	29.07.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure (*for short 'the Code'*) seeking quashing of FIR No.115 dated 25.09.2016 registered under Section 306 of IPC at Police Station Bhogpur, District Jalandhar, along with all consequential

proceedings arising therefrom, including the report under Section 173 of the Code and the supplementary report under Section 173(8) of the Code.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the statement of respondent No.2/complainant alleging therein that her brother Anil Aggarwal was previously engaged in the business of scrap but had subsequently remained without any work and used to stay at home. His son Avishek and daughter Rashi were doing private jobs. The complainant called his brother on 23.09.2016 to enquire about the health of his brother's wife Rajni Aggarwal, who had been admitted in Joshi Hospital on 23.09.2016 on account of illness. On 25.09.2016 at about 08:30 AM, the complainant received information that her brother Anil Aggarwal, his wife Rajni Aggarwal and their two children had committed suicide in their house.

During the police proceedings, a suicide note was recovered from the spot. In the said suicide note, the deceased named eight persons, including the present petitioners and blamed them for compelling the family to take the extreme step. It was alleged that the deceased had borrowed money from the said persons, had repaid more than the principal amount along with interest, but despite that they continued to demand money, harass and threaten the family on a daily basis. It was further alleged that they used to threaten that the wife and daughter of the deceased would be taken away. Being unable to bear the continuous harassment and intimidation, the deceased along with his family committed suicide.

3. After registration of FIR, the matter was thoroughly investigated by the police. During the course of investigation, a Special Investigation Team (SIT) was constituted to enquire into the allegations

levelled in the FIR. The SIT comprised the Superintendent of Police (Operations), Jalandhar (Rural), Deputy Superintendent of Police (Investigation), Jalandhar (Rural), Deputy Superintendent of Police, Sub Division Adampur and the Station House Officer, Police Station Bhogpur. The SIT conducted a detailed investigation by recording the statements of all concerned persons, including the complainant Neelam Gupta. During her statement before the SIT, the complainant stated that she was not aware of the exact reason which led to the death of her brother and his family. She further stated that when the FIR was registered she was under mental stress and, thereafter, expressed that she was not interested in pursuing the case and desired that the case be cancelled. Upon examining the entire material collected during investigation, the SIT concluded that no evidence had surfaced to establish that the accused persons had compelled or abetted the deceased to commit suicide on account of non-payment or recovery of money. Consequently, the SIT recommended that accused Sanjiv Kumar, Arvinder Pal Singh, Deepak Kansal, Gurmukh Singh and Mandeep Nanda be declared innocent.

4. As further revealed from the record, prior to the submission of the SIT report, the SHO concerned had presented a report under Section 173 of the Code before the trial Court on 22.11.2016 against petitioner No.2 Rajvir Kaur and co-accused Bimal Kumar @ Atul, as the statutory period for filing the challan was about to expire. Thereafter, upon completion of investigation, the police accepted the findings of the SIT only to the extent of five co-accused and declared them innocent. However, the petitioners were not exonerated. Ultimately, the investigating agency submitted the supplementary report under Section 173(8) of the Code against the present

petitioners, namely Kulvir Singh @ Kulbir Singh and Rajvir Kaur, along with co-accused Bimal Kumar @ Atul, finding sufficient material to proceed against them for the offence under Section 306 IPC. The petitioners were granted concession of bail. Aggrieved from their implication in the aforesaid case, the petitioners have filed the present petition.

5. It is argued by learned senior counsel for the petitioners that they have been falsely implicated in this case. They are merely running a tiffin service from their residence and are not engaged in the business of finance or money lending. The suicide note itself is doubtful, inasmuch as it appears to have been written and signed by a single person despite four deaths having occurred. The possibility of fabrication or interpolation in the suicide note cannot be ruled out. After registration of the FIR, an SIT was constituted, which conducted a detailed inquiry and recorded the statements of all concerned persons, including the complainant. During the inquiry, the complainant herself stated that she was unaware of the actual reason behind the deaths of her brother and his family and expressed that she was no longer interested in pursuing the case. The SIT thereafter concluded that no evidence had surfaced to show that the accused had compelled or abetted the deceased to commit suicide on account of any financial transactions and accordingly recommended cancellation of proceedings against several accused persons. It is further submitted that despite the SIT findings, the police filed a report under Section 173 of the Code against petitioner No.2 and thereafter a supplementary report against petitioner No.1, even though similarly placed co-accused had been declared innocent.

6. It is further argued by learned senior counsel for the petitioners that even if the allegations in the FIR and suicide note are accepted in their

entirety, the essential ingredients of abetment under Sections 306 and 107 IPC are not satisfied. There is no allegation of instigation, intentional aid or conspiracy attributable to the petitioners. At best, the allegations disclose financial dealings, which by themselves do not constitute the offence of abetment of suicide. While submitting that mere demand for repayment of money or existence of monetary transactions, without any positive act of instigation or intentional aid, would not attract the offence punishable under Section 306 IPC, it is prayed that the FIR and all consequential proceedings deserve to be quashed as the continuation of criminal proceedings against the petitioners would amount to abuse of process of law.

7. Reply has been filed by the respondent-State. It is argued by learned State that the FIR was registered on the basis of a detailed suicide note in which the names of all eight accused, including the present petitioners, were specifically mentioned along with their mobile numbers. The suicide note categorically records that the deceased had borrowed money from the petitioners and other accused persons, had already repaid more than the principal amount along with interest, yet they continued to harass, threaten and intimidate the deceased and his family on a daily basis. It is specifically alleged that they threatened to take away the wife and daughter of the deceased, owing to which the deceased and his family ultimately committed suicide. Although, the SIT declared five co-accused innocent, the petitioners were not exonerated during investigation. After completion of investigation, the police found sufficient material against the present petitioners and another accused and accordingly submitted the final report under Section 173 of the Code against them before the trial Court. The genuineness and evidentiary value of the suicide note are matters to be

tested during trial and cannot be adjudicated in proceedings under Section 482 of the Code. The suicide note and the surrounding circumstances prima facie disclose the commission of an offence under Section 306 IPC against the petitioners. No extraordinary circumstance has been made out to exercise inherent powers by this Court. Hence, it is urged that the petition is liable to be dismissed.

8. There has been no representation on behalf of respondent No. 2. Even on the date when the case was reserved, none appeared on her behalf.

9. This Court has heard the rival submissions.

10. At the outset, it will be profitable to look into the scope and ambit of the Court's power under Section 482 of the Code (*which corresponds to Section 528 of BNSS, 2023*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as different High Courts. The well settled proposition of law is that in exercise of inherent powers under Section 482 of the Code, the High Court is not expected to analyze all the facts, which are to be placed before the High Court. The power conferred under this section is very specific and to secure the ends of justice or to prevent the abuse of process of Court or to make any such orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of Court. Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by way of illustration to circumscribe the exercise of inherent power under Section 482 of the Code to prevent abuse of process of any Court or to secure the ends of the justice or to give effect to an order of the Court. In case cited as ***State of Haryana Vs Bhajan Lal (1992) SUPP 1 SCC 335***, Hon'ble Supreme Court laid down the following guidelines requisite for exercising power under

Section 482 of of the Code:

- (a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;
- (b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;
- (c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose 265 the commission of any offence and make out a case against the accused;
- (d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;
- (e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;
- (f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;
- (g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on

the accused and with a view to spite him due to private and personal grudge.

11. The principles of law as laid down by Hon'ble Supreme Court in ***Bhajan Lal***'s case (supra) have been followed in a catena of judgments. In ***Paramjeet Batra v. State of Uttarakhand, (2013) 11 SCC 673***, it was observed by Hon'ble Supreme Court that although the inherent powers of a High Court under Section 482 of the Code should be exercised sparingly and only for the purpose of preventing abuse of process of any Court or otherwise to secure ends of justice, yet, the High Court must not hesitate in quashing such criminal proceedings, where essential ingredients of the offence are not made out. In ***Randheer Singh v. State of Uttar Pradesh, (2021) 14 SCC 626***, it was observed by Hon'ble Supreme Court that criminal proceedings cannot be taken recourse to as a weapon of harassment.

12. Reference can further be made to ***Gian Singh v. State of Punjab, (2012) 10 SCC 303***, wherein Hon'ble Supreme Court observed that the power of the High Court in quashing a criminal complaint or an FIR, in exercise of its inherent jurisdiction, is distinct and different from the power given to a criminal court for compounding the offences under [Section 320](#) of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accordance with the guidelines engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. Reference can further be made to ***Narinder Singh and Ors. v. State of Punjab : (2014) 6 SCC 466***, wherein it was by Hon'ble Supreme Court that while exercising power under Section 482 of the Code, the High Court has to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal case would put him into great

oppression and prejudice and injustice would be caused to him by not quashing criminal case.

13. In *Dhruvaram Murlidhar Sonar v. State of Maharashtra : 2019 (18) SCC 191*, Hon'ble Supreme Court, while reiterating the parameters as laid down in *Bhajan Lal's* case (supra), had observed that for quashing of the proceedings, meticulous analysis of factum of taking cognizance of an offence by the Magistrate was not called for. Appreciation of evidence was also not permissible in exercise of inherent powers. If the allegations set out in the complaint did not constitute the offence of which cognizance has been taken, it is open to the High Court to quash the same in exercise of its inherent powers.

14. In view of the above discussed position of law qua exercise of inherent powers by this Court for quashing of criminal proceedings, this Court is required to consider the question as to whether the quashing of the FIR in this case can be allowed. The petitioners have been challaned in this case for commission of offence punishable under Section 306 of IPC on the allegations that they harassed, threatened and intimidated the principal victim Anil Aggarwal for repayment of some money and also threatened him to take away his wife and daughter, owing to which the said victim and his family ultimately committed suicide.

15. Since it is the case of the prosecution itself that the allegations against the petitioners primarily rest upon the contents of the suicide note and the allegations incorporated in the FIR, it is required to be examined whether the alleged acts attributed to the petitioners, namely that they had advanced loans to the deceased, repeatedly demanded repayment despite the deceased having allegedly repaid more than the principal amount with

interest, and had continuously harassed and threatened the deceased and his family, are sufficient in law to constitute 'abetment' within the meaning of Sections 107 and 306 of the IPC so as to hold the petitioners criminally liable for the suicide committed by the deceased and his family. Before coming to that point, it would be relevant to consider the provisions of Sections 107 and 306 of IPC. 'Abetment' is defined under Section 107 of IPC. To constitute abetment, it is to be proved that the accused instigates a person either by act of omission or commission. To prove the offence of abetment, as specified under Section 107 of IPC, the state of mind to commit a particular crime must be visible to determine the culpability. In order to prove *mens rea*, there has to be something on record to establish or show that the accused person had a guilty mind and in furtherance of that state of mind, he abetted the said crime.

16. Then, so far as Section 306 of IPC is concerned, in order to bring a case within the provisions of this section, any person who abets commission of suicide by any other person is liable for punishment. It is well settled proposition of law that in order to bring a case within the provisions of Section 306 of IPC, there must be a case of suicide and in the commission of such offence, the person who is said to have abetted the commission of suicide, must have played an active role by an act of instigation or by doing a certain act to facilitate the commission of suicide. Instigation can be inferred where the accused had by his acts or omission created such circumstance that the deceased was left with no other option but to commit suicide. The well settled proposition of law is that the abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the

accused to instigate or aid in committing suicide, conviction cannot be sustained. As observed by Hon'ble Supreme Court in ***Gangula Mohan Reddy vs. State of Andhra Pradesh : (2010) 1 SCC 750***, in order to convict a person under Section 306 of IPC, there has to be a clear *mens rea* to commit the offence. It also requires an active or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he committed suicide. In ***Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) : 2009 (4) RCR (Criminal) 196***, Hon'ble Supreme Court, while dealing with the dictionary meaning of the word "instigation" and "goading", opined that there should be intention to provoke, incite or encourage the doing of an act by the victim. There must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the basis of the allegations of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled a person to commit suicide, conviction in terms of Section 306 of IPC is not sustainable.

17. Further, the Hon'ble Supreme Court has consistently held that every act of harassment, quarrel or discord cannot be elevated to the offence of abetment of suicide. In ***State of West Bengal v. Orilal Jaiswal, (1994) 1 SCC 73***, it was observed that Courts must exercise great caution while dealing with cases under Section 306 of IPC. If the victim was hypersensitive to ordinary petulance, discord and differences in domestic life, which are common to the society to which the victim belonged, and such circumstances were not such as would ordinarily drive a similarly situated person to commit suicide, the Court ought not to conclude that the accused had abetted the commission of suicide. The said principle has been

reiterated in *S.S. Cheema v. Vijay Kumar Mahajan, (2010) 12 SCC 190*, wherein the Supreme Court reaffirmed that hypersensitivity of the deceased to ordinary wear and tear of life cannot, by itself, fasten criminal liability under Section 306 of IPC.

18. The ratio of law as laid down in the aforementioned judicial precedents, when applied to the peculiar facts of the present case, does not persuade this Court to hold that the allegations levelled against the petitioners disclose the commission of an offence punishable under Section 306 of the IPC. According to the prosecution, the deceased had borrowed money from the petitioners and other accused persons and, despite having allegedly repaid more than the principal amount along with interest, the petitioners continued to demand repayment, harass and threaten the deceased and his family. It is also alleged that they threatened to take away the wife and daughter of the deceased. However, except for these allegations contained in the FIR and the suicide note, there is no material on record to indicate any overt act, direct instigation, intentional aid or any proximate conduct on the part of the petitioners immediately preceding the occurrence which could be said to have driven the deceased and his family to commit suicide. Mere allegations of persistent demands for repayment of money or harassment in connection with financial transactions, without anything more, do not by themselves satisfy the ingredients of "abetment" as contemplated under Sections 107 and 306 of the IPC. As regards the suicide note, which is a document of one page, all that can be said is that it is an anguish expressed by the principal victim. The suicide note and the FIR do not impress at all and cannot be depicted as expressing anything intentional on the part of the accused that the deceased might commit suicide.

19. Reference can be made to the judgment of the Hon'ble Supreme Court in ***Dhirubhai Nanjibhai Patel Lotwala v. State of Gujarat, 2026 LiveLaw (SC) 270***, wherein it has been held that a creditor making repeated phone calls or persistent demands for return of the money advanced by him is merely asserting a lawful right and such conduct, by itself, does not constitute the offence of abetment of suicide under Section 306 of IPC. The Hon'ble Supreme Court further observed that in the absence of cogent material indicating the nature of the alleged threats, the time and place at which they were extended, or any overt act of physical assault or intentional instigation on the part of the creditor, continuation of criminal proceedings would amount to an abuse of the process of law. It was also held that a person may commit suicide on account of depression or inability to repay his debts, but such circumstances, without a clear and proximate act of instigation attributable to the creditor, do not satisfy the ingredients of Sections 107 and 306 IPC. In the present case also, the allegations against the petitioners are essentially that they had advanced money to the deceased and were demanding repayment thereof despite the deceased having allegedly repaid more than the principal amount along with interest. Except for the general allegations contained in the FIR and the suicide note regarding harassment and threats, there is no specific material indicating any overt act, proximate instigation or intentional aid on the part of the petitioners which could have left the deceased with no option except to commit suicide.

20. In view of the discussion as made above, this Court is of the considered opinion that continuation of the criminal proceedings under the impugned FIR against the petitioners would amount to an abuse of the

process of law. The allegations made in the FIR and the material collected during investigation, even if taken at their face value, fail to disclose the essential ingredients of the offence punishable under Section 306 of IPC. The present case, therefore, falls within the categories illustratively laid down by the Hon'ble Supreme Court in ***Bhajan Lal's case (supra)*** warranting exercise of inherent powers by this Court to secure the ends of justice and prevent abuse of the process of Court. Accordingly, the present petition is allowed and FIR No. 10 dated 21.02.2020 registered under Section 306 of IPC at Police Station Sadar Jalalabad, District Fazilka, along with all consequential proceedings arising therefrom, is hereby quashed qua the petitioners.

29.07.2026*Waseem R. Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*