



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO.
7706 of 2017**

**FOR APPROVAL AND SIGNATURE:
HONOURABLE MR.JUSTICE P. M. RAVAL**

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Approved for Reporting	Yes	No
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MANUBHA UDUBHA ZALA & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR PANKAJ S CHAUDHARY(3269) for the Applicant(s) No. 1,2,3

HCLS COMMITTEE(4998) for the Respondent(s) No. 2

MR NASIR SAIYED(6145) for the Respondent(s) No. 2

MR YUVRAJ BRAHMBHATT for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 30/07/2026

ORAL JUDGMENT

1. This petition under Article 226 of the Constitution of India r/w. Section 482 of Criminal Procedure Code, 1973 (the Code) is preferred by the petitioners praying to quash the FIR being C.R. No. I-192 of 2017 dated 15.08.2017, lodged before Ramol Police



Station, Dist.: Ahmedabad for the offences punishable under Sections 306, 504, 506(2), 294(b) and 114 of the Indian Penal Code, 1860 (IPC).

2. Succinctly stated the facts of the prosecution case are that the petitioners herein along with other accused persons, in the aid and abetment of each other threatened the deceased - the husband of the *de facto* complainant, demanding money allegedly taken by the deceased on interest pursuant to which, the accused were doing intense recovery asking to repay with high rate of interest and that, the deceased being fed up with all those threats being administered by the accused as well as also being fed up with the cases which were filed against him, committed suicide on 02.05.2017 upon alleged abetment and instigation of the accepted persons, the FIR in question came to be registered.

3. Heard, learned advocate for the petitioners - accused, the learned advocate for the respondent No. 2 - *de facto* complainant and the learned Additional Public Prosecutor for the respondent No. 1 - State.

3.1 Gist of arguments of the learned advocate for the petitioners is that the ingredients of the offences alleged against the present petitioners, more particularly, the offence punishable under Section 306 of the IPC, are not at all satisfied, even the FIR is read as it is.



3.2 The learned advocate for the petitioners would submit that the material allegation against the present petitioners are to the effect that the deceased husband of the *de facto* complainant was doing business of Coal with the petitioners and due to loss in the business he could not pay the money and the petitioners were making strong demand for the money towards Coal thereby, having no other option but to commit suicide.

3.3 The learned advocate for the petitioners would submit that the unfortunate incident had occurred on 02.05.2017, however, the impugned FIR is lodged on 15.08.2017 and even, prior to the lodging of the FIR in question, son of the *de facto* complainant while replying to the Legal Notice issued by the petitioner No. 1 herein under the provisions of the Negotiable Instruments Act, 1881, had threatened the petitioner that if any legal action is taken, the same would be at the cost of the petitioner and since his father committed suicide by consuming poison on 02.05.2017 and the reason for suicide being taking loan on a high interest rate and repeated demands for money and threatening, for which, his mother (*de facto* complainant) also lodged a complaint and the petitioner was asked to take a serious note of the same and if any action is taken, he would take appropriate actions by lodging the FIR before Ramol Police Station and thus, the learned advocate for the petitioners would argue that lodging of the present FIR and dragging the present petitioners therein is nothing but a pressure tactic with a view to see that legal right over the outstanding dues



are waives by the present petitioners. Accordingly, it is submitted that the present FIR is filed by the *de facto* complainant with an oblique motive, as an arm-twisting practice.

3.4 The learned advocate for the petitioners would further submit that the allegations levelled against the present petitioners in the FIR and the role allegedly played by them are taken into consideration in entirety, while no ingredients of offence punishable under Section 306 IPC are satisfied, the ingredients of other offences alleged are also not satisfied against the present petitioners and the case clearly falls within the parameters laid down in the decision in *State of Haryana v. Bhajan Lal* [AIR 1992 SC 604].

3.5 Making such submissions, it is urged that the present FIR and the consequential proceedings *qua* the petitioners may be quashed and set aside as no *prima facie* case is made out against the present petitioners.

3.6 In support, the learned advocate for the petitioners has relied on a decision of the Apex Court in *Abhinav Mohan Delkar v. State of Maharashtra and Others*, (2026) 6 SCC 233 : 2025 (0) AIJEL-SC 75740, more particularly, paragraphs 25, 26, and 27 thereof.

4. *Conversely*, the learned advocate for the respondent No. 2 - *de facto* complainant and the learned Additional Public Prosecutor for



the State would submit that from a perusal of the FIR and the Suicide Note would clearly reveal that the deceased was under tremendous pressure because of the threats being administered to him for recovery of the amount on a high rate of interest by the petitioners and the names of the present petitioners are surfacing in the FIR only and the petitioners were demanding money and that, they were threatening him to kill and hence, the deceased committed suicide.

4.1 They would further submit that very reading of the Suicide Note would further reflect that the petitioners herein frequently visited the residence of the deceased and demanded money time and again due to constant harassment by the petitioners, the husband of the *de facto* complainant committed suicide on 02.05.2017. It is submitted that even after the death of the deceased, the petitioners – accused continued demanding money from the *de facto* complainant and due to threats, the *de facto* complainant frightened and due to harassment being meted out to her, she could not immediately lodged the FIR and thus, there was delay in lodging the FIR, which cannot be fatal to the case of the prosecution.

4.2 It is further submitted that the deceased had already given in writing a complaint before the Khokhara Police on 03.04.2017 against one Pankajbhai Panchal, however, the police did nothing against the accused and the same was not acted upon and hence,



the husband of the *de facto* complainant had no option but to take such an extreme step and commit suicide. He submitted that the petitioners exerted a huge pressure on the deceased leaving no option for him but to commit suicide. Thus, the accused – petitioners having instigated the deceased to commit suicide and hence, it is urged that this petition may not be entertained at this stage.

4.3 The learned Additional Public Prosecutor as well as the learned advocate for the *de facto* complainant would further submit that as per the settled law of the land, inherent powers under Section 482 of the Code should be used sparingly and with a view to curb the abuse of process of law. He submitted that in the case on hand, a *prima facie* case is made out against the petitioners and hence, they requested that it is ultimately a matter of trial after which, the truth could be churned out and hence, it is requested not to entertain this petition and it is reiterated to be dismissed.

5. Heard the learned advocates for the parties and perused the material placed on record.

6. Prior to assessing the factual matrix on the touchstone of criminal jurisprudence, it is apposite to reinforce the settled legal position governing the scope, ambit, and limits of the inherent jurisdiction vested under Section 482 of the Code. The jurisprudential parameters regulating the exercise of this



extraordinary power have been authoritatively catalogued by Hon'ble Supreme Court in a long line of precedents, chief among them being the authoritative in the case of *State of Haryana v. Bhajan Lal* [AIR 1992 SC 604]. Therein, Hon'ble Supreme Court crystallized seven distinct, illustrative categories of cases where judicial intervention under Section 482 of the Code or Article 226 of the Constitution is necessitated to secure the ends of justice and clip any abuse of the process of Court. The relevant portion of Paragraph 102 of the said judgment is extracted below:

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) 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.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR 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.

(3) *Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*

(4) *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.*

(5) *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.*

(6) *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.*

(7) *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."*

6.1 Evaluating the present petition on the anvil of the principles enunciated in ***Bhajan Lal (supra)***, this Court has to determine whether the allegations in the FIR, even when accepted at face



value, satisfy the essential statutory ingredients of offence alleged against the petitioners. This Court must ensure that criminal machinery is not permitted to degenerate into an engine of harassment where liability under criminal law is completely absent.

6.2 The petitioners have sought quashment of the said FIR on the ground that even if the allegations levelled in the FIR against the present petitioners are taken as it is, no ingredients of the offence alleged against them are satisfied.

6.3 Accordingly, the Court again perused the FIR in depth. It is alleged in the FIR, impugned herein, so far as the present petitioners are concerned that deceased husband of the *de facto* complainant used to buy Coal on credit basis from Manubha Udubha Zala, resident of: Sural Darbargarh, Taluka: Pardi and Mukeshbhai and Hiteshbhai, who are brothers, whose address is not known. It is further alleged that on 03.04.2017, Pankajbhai Panchal from whom, the deceased had borrowed Rs.3 lakh and was asking for Rs.9 lakh thereagainst, came to their residence and got a blank cheque of the account belonged to her son – Nishit as also, beat the deceased at Ranip. Further, Dahyabhai Prajapati also used to visit their home as also the place of the business of the deceased, forcefully demanding interest money and also used to threaten. Dashrathbhai Patel, whose mobile number is 9925052272, was also used to call and demanding money over



phone and threatening. It is further alleged that Manubha, Mukeshbhai and Hiteshbhai were threatening for money. Thus, except for the above allegations made in the FIR, there is nothing on record to point out as to what amount and exact role and/or any overt act having been committed by the present petitioners.

6.4 Further, the factum of petitioner No. 1 - Manubha Udubha Zala having issued a notice, is not disputed and the reply thereto by the son of the *de facto* complainant is also not in dispute. Be that as it may, even a bare perusal of the Suicide Note reveals that, the deceased was fed up with false cases lodged against him and that, his condition was in a bad shape and that the persons who were asking for money, were unstoppable, who are (calling for) 30% and that, he did not hold any one responsible for his death and that, the deceased was solely responsible for his death. It is further stated in the Suicide Note that, till one gives money, all are friends and relatives. That he had also made an application on 03.04.2017 before the Khokhara Police Station. It is further stated that he suffering this pain of paying interest for last 18 years and to get relieved he took this extreme step. Lastly, it is stated that he had lost due to the interest and not by life and that, he prayed god to give much more to whoever had recovered such interest and that he would pay the interest after his death also. Thus, the perusal of the Suicide Note reveals that the deceased was fed up with life due to mounting debts of interest.



6.5 At this juncture, if the decision in *Abhinav Mohan Delkar* (*supra*), relied upon by the learned advocate for the petitioners is referred to, the Apex Court held:

“25. What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one’s life. Figuratively, ‘the straw that broke the camel’s back’; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.

26. The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the



community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306.

27. *We have already seen that even a rebuke to “go, kill yourself”; often a rustic expression against distasteful conduct, cannot by itself be found to have the ingredients to charge an offence of abetment to suicide. There is no uniformity in how different individuals respond and react under pressure. Many stand up, some fight back, a few runaway and certain people crumble and at times take the extreme step of suicide. To put the blame on the pressure imposed and the person responsible for it, at all times, without something more to clearly discern an intention, would not be the proper application of the penal provisions under Section 306.”*

6.6 Thus, assuming for a moment that the present petitioners were demanding money from the deceased, if not for the amount of Coal purchase and towards the money that was lent to him by the petitioners, then too, there is no proximate prior act to hold the petitioners liable for the suicide of the deceased being direct consequence of such continuous harassment by the petitioners coupled with the fact that last proximate incident having no nexus with the suicide committed by the deceased and merely because the deceased was continuously harassed and at one point, he succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment under Section 107 IPC. Thus, there cannot be any *mens rea* based on what was perceived by the deceased which went into his mind while



committing suicide, though the victim might have thought that ending his life would be the only option to come to end from the financial difficulties which he was facing, cannot lead to hold that the petitioner were having mens rea and resultantly, amounting to abetment, since, to constitute *mens rea* intention and purpose of the petitioners from their act has to come on record and also considering the attendant circumstances, which in all probability could lead to such an extreme step of committing suicide by the deceased , in absence of any material on record, asking the petitioners to face the trial would amount to abuse of process of law inasmuch as the FIR is silent on these aspect and that, the FIR is also lodged after almost three months from the incident of suicide dated 02.05.2017 whereas, the FIR is dated 15.08.2017 for which, the explanation given is to the effect that the *de facto* complainant was threatened for which, however, no complaint is on record. Further column No. 8 of the FIR states reason of lodging of the FIR at a belated stage. Though, it is a settled principle of law that lodging of FIR belatedly alone cannot be a ground to quash the FIR, however, the attendant circumstances coupled with the fact that FIR was lodged belatedly, can be considered in the peculiar facts and circumstances of the case where, reading of the entire FIR, insofar as the present petitioners are concerned, does not attract the provisions of offence alleged against them in the FIR. In the circumstances, present petition deserves favourable consideration.



7. As a sequitur to the reasons stated herein above, this petition succeeds and is hereby allowed. FIR being C.R. No. I-192 of 2017 dated 15.08.2017, lodged before Ramol Police Station, Dist.: Ahmedabad for the offences punishable under Sections 306, 504, 506(2), 294(b) and 114 of the Indian Penal Code, 1860 along with all consequential criminal proceedings flowing therefrom, stands quashed and set aside *qua* the present petitioners only. Rule is made absolute in the aforementioned terms.

7.1 **Direct service** is permitted.

[P. M. Raval, J.]

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