IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 16497 of 2024
With
R/CRIMINAL MISC.APPLICATION NO. 16496 of 2024

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HARDIK GORDHANBHAI RAVAL & ORS.
Versus
STATE OF GUJART & ANR.
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Appearance:
MS MEDHA N PANDYA(6171) for the Applicants
MR MANAN MAHETA, APP for the Respondent(s) No. 1
NOTICE SERVED BY DS for the Respondent(s) No. 2
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CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS**

Date : 13/01/2026

COMMON ORAL ORDER

1. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants-accused, who are the husband and in-laws of the deceased, seek to invoke the inherent powers of this Court, praying to quash and set-aside the First Information Report No.11210021240053 of 2024 registered with the Katargam Police Station Part-A, Surat, for the offences punishable under Sections 306, 498A, 504, 114 of the Indian Penal Code and under Sections 3, 7 of the Dowry Prohibition Act.

2. RULE returnable forthwith. Learned APP Mr.Manan Maheta waives service of notice of rule for and behalf of the respondent – State.

3. Learned advocate Ms.Medha N.Pandya appearing for the applicants-accused has submitted that the marriage between the deceased and her husband (i.e. the present applicant no.1) was solemnized in the month of November 2021. It is alleged that soon after the marriage, the present applicants-accused used to taunt the deceased regarding her medical expenditure and were demanding dowry, therefore, the deceased had once consumed poisonous liquid. Thereafter, with the intervention of the respected members of the society, a settlement took place and the deceased had returned to her matrimonial home, and during that time, she became pregnant and gave a birth to a son, who is aged about one and a half years. It is further alleged that on the fateful day (i.e. on 19.01.2024 at around 2 O'clock in the afternoon), the deceased had consumed acid at her parental house, where she was residing since last ten months after discord with her husband and in-laws, and on 22.01.2024 at around 9 O'clock, the deceased had succumbed during the

treatment at the Prannath Hospital situated at Katargam.

4. At the outset, learned advocate Ms.Pandya has submitted that settlement has been arrived at between the parents of the deceased and the present applicants-accused. Both the parents of the deceased Hiralben have admitted that their daughter was suffering from severe psychotic depression since 2016 (i.e. prior to her marriage), and she was having a tendency to commit suicide. They have also admitted that even before her marriage, the deceased had attempted to commit suicide twice. Learned advocate Ms.Pandya appearing for the applicants-accused has submitted that the said fact has also been fortified from the statements of the parents of the deceased dated 04.07.2022 and the affidavit dated 22.12.2025 filed by the mother of the deceased, namely, Prabhaben Shantibhai Godadra.

5. Learned advocate Ms.Pandya has further submitted that the deceased was undertaking treatment from a Psychiatrist, Dr.Dilip N.Pandav of Umang Clinic since 2013. She was referred for her behavioral problems, such as, talking rudely with parents/friends, restlessness, lack of concentration and

excessive irrelevant talking, and the doctor had diagnosed her with psychotic depression. Even, the medical history of the deceased suggests that she was suffering from mental illness, due to which, she was having a tendency to commit suicide, and at several times, she had even tried to commit suicide either by consuming poisonous substance or jumping into the river.

6. Learned advocate Ms.Pandya has, therefore, submitted that considering the statement of the parents of the deceased as well as the affidavit, it appears that the impugned FIR lodged by the deceased is palpably false and there is not an iota of evidence to implicate the present applicants-accused with the alleged offence. Learned advocate has further submitted that the proximity between the alleged act of instigation by the applicants-accused and the commission of suicide by the deceased has not been proved as the deceased was residing at her parental house since last ten months of the alleged incident, and she committed suicide at her parental house. Ms.Pandya has further submitted that except the statement of the deceased, there is no other evidence to connect the present applicants with the alleged offence. It is further submitted that the deceased has

made vague, omnibus and general allegations against the applicants-accused, and the FIR, even if it is considered at its face value, the same could not even establish the offence as alleged in the FIR.

7. Learned advocate Ms.Pandya has, therefore, urged that considering the above, the application may be allowed and the impugned FIR may be quashed and set-aside.

8. Learned APP Mr.Manan Maheta appearing for the respondent – State has vehemently opposed the present application and has submitted that having regard to the gravamen and seriousness of the offence, the application may not be entertained and the same may be rejected.

9. From the bare perusal of the complaint, it *prima facie* appears that the deceased was suffering from mental illness and was undertaking treatment since 2013 (i.e. before her marriage with the present applicant no.1-husband). Further, it appears from the medical evidence on record as well as the statements of the parents of the deceased recorded by the police and the

affidavits filed by them, that the deceased was having a tendency to commit suicide, due to which, she had even tried to commit suicide either by consuming poisonous liquid or jumping into the river. In the statements recorded by the police on 04.07.2022, the parents of the deceased have categorically stated that the present applicants-accused were not inflicting torture upon the deceased. Further, in the affidavits filed by them on 22.12.2025, they have specifically stated that their daughter was suffering from severe psychotic depression since 2016 and before marriage also, she had tried to commit suicide. It also appears from the medical evidence on record that she was undertaking treatment from a Psychiatrist, Dr.Dilip N.Pandav of Umang Clinic since 2013. The deceased was referred for her behavioral problems, such as, talking rudely with parents/ friends, restlessness, lack of concentration and excessive irrelevant talking, and the doctor had diagnosed her with psychotic depression, due to which, she was having a tendency to commit suicide, and at several times, she had even tried to commit suicide either by consuming poisonous substance or jumping into the river.

10. It is settled that to attract Section 107 of the IPC, the accused must have *mens rea* to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in proximity to the act of committing suicide. In the present case, it appears that the deceased was suffering from psychotic depression, due to which, she had a tendency to commit suicide, and at several times, even before her marriage with the present applicant no.1-accused, she had even tried to commit suicide. Further, there is no evidence on record to suggest as to what had happened soon before the incident since the deceased was residing at her parental house since last more than ten months. Moreover, even the parents of the deceased themselves have also not supported the version narrated by the deceased in the impugned FIR and have filed affidavit dated 22.12.2025, *inter alia* contending that they do not want to continue with the impugned FIR and have no objection if the complaint is quashed and set-aside.

11. On bare reading of the impugned FIR, this Court does not

find the essential ingredients of Section 107 of the Indian Penal Code are being attracted.

12. At this juncture, I may refer to the decision of the Supreme Court in case of ***Shenbagavalli and others vs. Inspector of Police, Kancheepuram District and another***, reported in 2025 INSC 607, wherein the Supreme Court held as under :-

> *"15. Section 306 requires a person having committed suicide as a first requirement but for abetment of such commission, which is essential, the ingredients must be found in Section 107 IPC. The requirement of abetment under Section 107 IPC is instigation, secondly engagement by himself or with other person in any conspiracy for doing such thing or act or a legal omission in pursuance to that conspiracy and thirdly intentionally aids by any act or an illegal omission of doing that thing. In large number of judgments of this Court it stands established that the essential ingredients of the offense under Section 306 IPC are (i) the abetment; (ii) intention of the accused to aid and instigate or abet the deceased to commit suicide. Merely because the act of an accused is highly insulting to the deceased by using abusive language would not by itself constitute abetment of suicide. There should be evidence suggesting that the accused intended by such act to instigate the deceased to commit suicide. [M.Arjunan vs.*

State represented by its Inspector of Police, (2019) 3 SCC 315]

16. Similarly, in the case of ***Ude Singh and Others vs. State of Haryana****, (2019) 17 SCC 301 it has been observed in para 16 as follows :-*

> *"16. 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 could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.*
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> *16.1. For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the*

act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of the accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. 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 and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or 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. Such being the matter of delicate analysis of human behaviour, each

case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.

17. These being the essential ingredients for the offence of abetment to suicide, and the said ingredients having not been fulfilled, the further continuation of proceedings would not be sustainable. The other evidence such as statements, sought to be relied upon by the prosecution, apart from the suicide note, does not in any manner advance the case of the prosecution, particularly when the foundation of the case is the suicide note itself. With the very element of abetment conspicuously absent from the allegations made in the FIR which is primarily based upon the suicide note, the essential requirements for constituting an offence under Section 306 IPC remain unfulfilled. As such, the continuation of the criminal proceedings initiated against the Appellants would amount to an abuse of the process of law. The Court cannot permit such proceedings to degenerate into instruments of harassment or unjust prosecution.

18. The Court would not hesitate to exercise its extraordinary powers which are inherent to quash such proceedings when it comes to fore, and the court is satisfied that allowing the proceedings to continue would be an abuse of process of Court or that the ends of the justice require that the proceedings ought to be quashed. Reference in this regard may be made to the Judgment of this Court in ***Geo Varghese vs. State of Rajasthan and Another****, (2021) 19 SCC 144."*

13. This Court is quite conscious of the fact that the power under Section 482 of the Code of Criminal Procedure, 1973, is an extraordinary power, and it should be used sparingly, as the exercise of such power would scuttle the FIR at the threshold. But, if the FIR fails to make out essential ingredients of the offence, the power should be exercised. Upshot of the above discussion, the present application deserves consideration.

14. In the result, the present application is allowed. The First Information Report No.11210021240053 of 2024 registered with the Katargam Police Station Part-A, Surat, for the offences punishable under Sections 306, 498A, 504, 114 of the Indian Penal Code as well as under Sections 3, 7 of the Dowry Prohibition Act, is hereby ordered to be quashed and set-aside. All consequential proceedings arising pursuant thereto are also terminated.

15. Rule made absolute. Direct service is permitted.

(VIMAL K. VYAS, J.)

/MOINUDDIN

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MOINUDDIN ABDULLAH SAIYED(HC00172), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 13/01/2026 17:18:14