



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 752 OF 2021

BETWEEN:

M/s. HDFC BANK LIMITED
SITE NO.42 & 44, SD COMPLEX
PRABHAVA, GARVEBHAVIPALLYA
HOSUR MAIN ROAD
BENGALURU - 560 068
REP BY ITS MANAGER.

...PETITIONER

(BY MISS GOWRAVASHREE N., ADV. FOR
SRI J M PATIL, ADVOCATE)

AND:

1. STATE BY NANDINI LAYOUT POLICE STATION
MALLESHWARAM SUB DIVISION
NANDINI LAYOUT
BANGALORE CITY - 560 096.
REP BY SPP, HIGH COURT BUILDING
BENGALURU - 560 001.
2. MRS. BHAGYA PRASAD
W/O LATE RAJENDRA PRASAD K G.,
AGE ABOUT 60 YEARS
R/A NO.F/2, BUILD FINA APARTMENT
10TH CIRCULAR ROAD
OPPOSITE TO WATER TANK
NANDHINI LAYOUT
BANGALORE - 560 096.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1;
V/O DATED 09.10.2023 NOTICE TO R2 IS D/W)

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.105/2020 (ANNEXURE-A TO THE PETITION) WHICH IS PENDING ON THE FILES OF THE VII ACMM, BANGALORE AND ALSO QUASH THE COMPLAINT FILED BY THE 2nd RESPONDENT (ANNEXURE-A1 TO THE PETITION) IN SO FAR AS PETITIONER IS CONCERNED.

THIS PETITION IS COMING ON FOR *ADMISSION*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging registration of FIR in Crime no.105/2020 by Nandini Layout Police Station, Bangalore, pending on file of VII ACMM, Bangalore, for offences punishable under Section 34 and 306 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Miss Gowrava Shree N., learned counsel appearing for Sri JM Patil, advocate for petitioner submitted that petitioner-HDFC Bank was accused no.6 (**petitioner**) in complaint filed by respondent no.2 (**complainant**) stating that she was homemaker residing with her husband. That her husband - Rajendra Prasad was into Real Estate business and they had children namely, Preeti Prasad and Deepak Prasad, of whom Preeti Prasad was residing with complainant. That



Rajendra Prasad previously employed at Bhabha Atomic Research Centre (BARC) for 20 years had resigned from service and invested heavily in Real Estate and suffered losses. Due to same, he was in depression. On morning of 16.08.2019, when both her children left home for work and even complainant returned from temple at 3:45 pm, she found her husband hung himself to ceiling fan with saree around his neck. On examination, he was found dead.

3. Further, though on her intimation dated 16.08.2019, Nandini Layout Police Station had registered death in UDR no.33/2019, subsequently while cleaning house a letter was found in which deceased mentioned that Ramegowda of Modern Housing Co-operative Society, Rajajinagar (accused no.1); Rangappa, Ex-Employee of BDA, Vijayanagar (accused no.2); Muniraju, Land Developer, Chikkajala, Yelahanka (accused no.3) and Anbalagan, Union President, KGF (accused no.4) owed him money. Complainant further stated that her husband had borrowed loan of Rs.6,18,920/- from ICICI Bank, Bommanahalli Branch and Rs.5,38,798/- from HDFC Bank, Bommanahalli Branch and Rs.1,25,000/- from accused no.7 - Capital First Bank, in name of his daughter. Subsequently,



recovery agents of ICICI Bank and Capital First Bank began frequenting his house, pestered him for repayment and abused him saying *"If you are unable to repay loan, go and die. Even persons like Siddhartha died. There was no use in staying alive, go and die."* Deeply hurt and traumatized by such humiliation, her husband committed suicide on 16.08.2019. Alleging that same was due to abetment by accused no.1 to 7, complaint was filed. Same was registered as Crime no.105/2020 by Nandini Layout Police for offences punishable under Sections 34 and 306 of Indian Penal Code, 1860 (**IPC**). Assailing same, this petition was filed.

4. It was firstly submitted, deceased was neither borrower or account holder with petitioner. Secondly, complaint did not contain any specific overt acts against petitioner. On other hand, complainant's daughter who had taken loan from petitioner had defaulted. Therefore, notice was issued to her, that too on 28.09.2019 which was after incident of suicide. Therefore, arraigning of petitioner in complaint filed on 21.03.2020 was with a view to avoid or obstruct recovery and as such not bonafide. When coupled with unexplained delay in filing, complaint was nothing else than abuse of process and



liable to be quashed as such. In any case, complaint was devoid of specific allegations of instigation as would amount to abetment of suicide and relied on decision of Hon'ble Supreme Court in **Gurcharan Singh v. State of Punjab** reported in **(2020) 10 SCC 200**. On above grounds, prayed for allowing petition.

5. On other hand, Smt.Sowmya R., learned HCGP for respondent no.1-State opposed petition. It was submitted as per complainant, for purpose of investing in Real Estate, deceased had taken loan from ICICI Bank, HDFC Bank and Capital First Bank. Complainant had alleged that recovery agents were harassing him pressing for repayment and had also urged him to die, if he could not repay loan amount. Thus essential ingredients of offences alleged were present. It was submitted, other contentions were in nature of defence and could not be considered at this stage. On said ground, prayed for dismissal of petition.

6. There is no representation for respondent no.2-complainant.



7. Heard learned counsel and perused material on record.

8. This petition is by accused no.6-Bank challenging registration of FIR against it for offence punishable under Section 306 of IPC.

9. Challenge is mainly on ground that allegations do not constitute abetment of suicide. Vexed subject of what constitutes abetment of suicide has been subject matter of various decisions. Hon'ble Supreme Court in ***Kumar alias Shiva Kumar v. State of Karnataka*** reported in **(2024) 19 SCC 308**, observed human behaviour and decisions leading to suicide may arise from a multitude of circumstances including academic failure, emotional distress, depression, financial difficulties and other personal factors. But criminal liability for abetment of suicide can arise only when there exists *a direct, proximate and intentional act of instigation*. This Court in ***VV Singara Velu v. State of Karnataka*** reported in **AIR Online (2023) KAR 1470**, held to sustain charge under Section 306 of IPC, there must be a positive act of direct incitement or instigation that drives a person to take own life and *mere naming an individual in a suicide note was insufficient*. Hon'ble



Supreme Court in **Ayyub & Ors. v. State of U.P. & Anr.** reported in **(2025) 3 SCC 334**, held mere verbal exchanges, insults or statements uttered in anger would not constitute instigation unless accompanied by deliberate course of conduct intended to drive victim to commit suicide. It was held, *mens rea* and ingredients of abetment as defined under Section 107 of IPC must be established to sustain prosecution under Section 306 of IPC. In **M. Arjunan v. State** reported in **(2019) 3 SCC 315**, requirement of *evidence to show accused intended to incite suicide*, was held necessary. And in **Mahendra Awase v. State of Madhya Pradesh** reported in **(2025) 4 SCC 801**, it was held, every hyperboles employed in exchanges cannot be considered instigation to commit suicide and cautioned against registration of complaints for offence of abetment of suicide only to assuage sentiments of distraught family under *play it safe syndrome*. This Court in **Crl.P.no.4851/2022** disposed of on 22.04.2022 (**David D'Souza v. The State of Karnataka**) quashed proceedings initiated for offence punishable under Section 306 of IPC on ground that even angry statement made during a heated exchange including telling a person 'go and die' would not by itself be instigation or abetment without requisite



'*mens rea*' and proximate conduct. And in **Patel Babubai Manohardas & Ors. v. State of Gujarat** reported in **2025 SCC OnLine SC 503**, Hon'ble Supreme Court held mere harassment, blackmail or pressure would not be abetment to suicide without proximate positive act of direct instigation, which intentionally leaves deceased with no option except to end his life. Even ratio laid down in **Gurucharan Singh's** case (supra) is on same lines as above.

10. Reading of entire complaint reveals that only specific reference to petitioner is statement that loan was taken by daughter of deceased from petitioner. Allegations of harassment by recovery agents visiting home of deceased and suggesting him to die etc. are against others and not specifically against petitioner. Only other reference in complaint against petitioner is about issuing notice, which even according to complaint is after date of incident. These allegations cannot be held to be positive and direct acts of instigation by petitioner much less with intent to abet suicide. Requirement of *mens rea* is held mandatory. Complaint allegations are found gravely wanting insofar as above requirements against Petitioner.



**NC: 2026:KHC:32430
CRL.P No. 752 of 2021**

11. Hence, Petition is ***allowed***, registration of FIR in Crime no.105/2020 by Nandini Layout Police Station, Bangalore, pending on file of VII ACMM, Bangalore and complaint filed by respondent no.2 insofar as petitioner-HDFC Bank (accused no.6) stand *quashed*.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

AV
List No.: 1 Sl No.: 42