



2026:AHC:199950

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6772 of 2026

Masook Ali

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhilasha Singh, Ashutosh Yadav,
Shyam Lal

Counsel for Opposite Party(s) : Devendra Mani Tripathi, G.A., Rahul
Tiwari

Court No. - 81

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Ashutosh Yadav, learned counsel for the applicant, Sri Devendra Mani Tripathi, learned counsel for the opposite party no.2, learned A.G.A. for the State-respondent and perused the record.
2. The present application under Section 528 B.N.S.S. has been filed seeking quashing of the charge-sheet dated 20.12.2025, cognizance order dated 24.12.2025, summoning order dated 07.01.2026 and the entire proceedings of the criminal case arising out of Case Crime No. 174 of 2024, under Section 306 I.P.C., Police Station Lohia Nagar, District Meerut.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and that the material collected during investigation does not disclose the commission of the alleged offence against the applicant. It is submitted that there is no direct or cogent material showing that the applicant had abetted the commission of suicide by the deceased. Learned counsel further submits that the allegations are primarily based upon the alleged suicide note and the statements of the informant, which do not establish any specific act of instigation, intentional aid or active participation on the part of the applicant so as to constitute the offence under Section 306 I.P.C. It is further submitted that the alleged suicide note itself is a matter of dispute and that mere reference to the applicant therein, even if taken into consideration, would not by itself be sufficient to constitute the offence of abetment of suicide. Learned counsel also submits that the ingredients of the offence have to be strictly satisfied and that the applicant cannot be subjected to criminal trial merely on the basis of suspicion or disputed material. In support of his contention, learned counsel for the applicant has placed reliance upon a judgment of the

Hon'ble Supreme Court in ***Ayyub and Others Vs. State of U.P. and another reported in 2025 (131) ACC 598.***

4. Learned counsel for the opposite party no.2 on the other hand, has opposed the prayer and submits that the allegations made in the first information report are supported by the statement of the informant recorded during investigation. It is further submitted that the suicide note recovered during investigation was sent for forensic examination and, as per the report of the Forensic Science Laboratory, there are similarities in the disputed handwriting and the admitted handwriting samples of the deceased. The learned counsel further submits that the material collected during investigation discloses a prima facie case against the applicant and the defence of the applicant cannot be examined in proceedings under Section 528 B.N.S.S.
5. Having considered the rival submissions and upon perusal of the record, it appears that the F.I.R. contains specific allegations regarding the deceased being threatened, harassed and subjected to blackmailing, pursuant to which he allegedly committed suicide. The informant, in his statement recorded during investigation, has supported the allegations made in the F.I.R. and has also stated that the deceased had disclosed the alleged harassment to his family members shortly before his death.
6. The record further indicates that a suicide note was recovered during investigation. The same was sent for forensic examination along with admitted handwriting samples of the deceased. The Forensic Science Laboratory report records similarities in the writing characteristics of the disputed writings marked Q1 and Q2 and the sample writings marked A1 to A12 and, after examination, expresses the opinion that the combination of the writing characteristics was sufficient to arrive at the opinion of identity.
7. Thus, at this stage, the material collected during investigation, including the allegations in the F.I.R., the statement of the informant and the F.S.L. report, cannot be brushed aside. Whether the allegations are ultimately proved, whether the suicide note is genuine, and what evidentiary value is to be attached to the statements and forensic report are matters which are required to be considered by the trial court on the basis of evidence led before it. The Court, while exercising jurisdiction under Section 528 B.N.S.S., is not required to undertake a meticulous examination of the evidence or to determine the disputed questions of fact as if conducting a trial.
8. The judgment relied upon by learned counsel for the applicant in ***Ayyub and Others Vs. State of U.P. and another reported in 2025 (131) ACC 598*** is distinguishable on the facts of the present case and, therefore, is not applicable to the instant matter.
9. Hon'ble Supreme Court in the matter of ***State of Haryana Vs. Bhajan***

Lal 1992 Supp (1) SCC 335 has laid down the guidelines under which circumstances the Court should, in its inherent power, entertain an application under Section 482 Cr.P.C. The guidelines are as follows:-

"(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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.

(vi) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (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 Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(vii) Where a criminal proceeding is manifestly attended with mala fides 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."

10. Further, the Hon'ble Supreme Court in the cases of **M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra**, AIR 2021 SC 1918, **R.P. Kapur Vs. State of Punjab**, A.I.R. 1960 S.C. 866, **State of Bihar Vs. P.P. Sharma**, 1992 SCC (Cr.) 192, and **Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another**, (2005) SCC (Cr.) 283, has held that the inherent jurisdiction is to be exercised sparingly and only in appropriate cases where the material

on record does not disclose a prima facie case or where the continuation of the criminal proceedings would otherwise amount to abuse of the process of law.

11. The instant application does not fall within any of the categories laid down by the Hon'ble Supreme Court in the judgments mentioned above. Moreover, on a plain reading of the allegations contained in the F.I.R., the statement of the informant and the material collected during investigation, including the F.S.L. report, it cannot be said that, prima facie, no offence is made out against the applicant. The disputed questions as to the genuineness and evidentiary value of the suicide note, the nature of the alleged harassment and the role attributed to the applicant cannot be adjudicated in proceedings under Section 528 B.N.S.S. and are matters for consideration by the trial court.
12. Hence, the instant application filed under Section 528 B.N.S.S. cannot be entertained and is, accordingly, dismissed.

September 23, 2026

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(Madan Pal Singh,J.)