



2026:AHC:212584

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 32757 of 2025

Smt. Urmila Devi And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Arjit Gupta, Naveen Chandra Gupta
Counsel for Opposite Party(s)	:	G.A., Ram Chandra Solanki

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Supplementary affidavit filed on behalf of the opposite party no.2 in the Court today is taken on record.
2. Heard Mr. N.C. Gupta, learned Senior Advocate assisted by Mr. Arijit Gupta, learned counsel for the applicants, Mr. Ram Chandra Solanki, learned counsel for opposite party no.2 and the learned A.G.A. for the State.
3. This application under Section 528 B.N.S.S. has been preferred by the applicants with a prayer to quash the charge-sheet dated 30th May, 2025 as well as the entire proceedings of Criminal Case No. 67 of 2025 (State Vs. Manoj Kumar & Others) arising out of Case Crime No. 4582 of 2025 under Sections 108 and 351 (2) B.N.S. Police Station-Civil Lines, District-Etawah, pending in the Court of Chief Judicial Magistrate, Etawah.
4. The brief facts of the present case are that instant first information report has been lodged by the opposite party no.2 on 22nd April, 2025 against five named accused persons including the applicants alleging therein that on 17.04.2025, the deceased, Mohit Kumar alias Monu (brother of the informant), left his residence stating that he was travelling to Kota via Etawah by train, while his wife, Priya Yadav alias Neha, remained at the matrimonial home. On the morning of 18.04.2025, the family members noticed a video uploaded by the deceased on 'WhatsApp', which prompted them to rush to Etawah to search for him. At around 10:00 PM that evening, the police informed the family that the dead body of the deceased had been recovered from a room in the Jolie Hotel. Following the post-mortem examination on 19.04.2025, the body was brought to the ancestral house in Kanchausi for the final rites, subsequent to which the informant, Tarendra Pratap alias Tonu, lodged the written report on 22.04.2025. The facts further reveal that the deceased was allegedly subjected to persistent mental harassment and torture by his father-

in-law Manoj Kumar, mother-in-law Urmila Devi, and brother-in-law Shivam Kumar, acting through the deceased's wife. It is stated that the accused persons continuously threatened the deceased with false implication in criminal cases to ensure the imprisonment of his entire family. Being deeply distressed by this continuous coercion and illegal pressure, the deceased was driven to commit suicide, a fact which he explicitly stated and recorded in the viral video before his death. It is also states that the wife of the deceased continues to extend threats to the family members of the informant, which led to the initiation of the present criminal proceedings.

5. In the statements recorded under Section 180 B.N.S.S., the informant/opposite party no.2 has categorically deposed that on April 17, 2025, the deceased, Mohit Kumar (alias Monu), who is brother of the informant/opposite party no.2, left his home in Kanpur Dehat stating that he was travelling to Kota via Etawah by train. It is alleged that on the following morning of April 18, 2025, at approximately 10:00 AM, the deceased transmitted a video recording via WhatsApp to the complainant, wherein he detailed the severe torture, systemic harassment, and extreme mental agony inflicted upon him by his wife, Priya Yadav (alias Neha), his father-in-law Manoj Kumar, his mother-in-law Urmila Devi, his brother-in-law Shivam Kumar (all residents of Kudi Kusamra, Mainpuri), and his maternal uncle-in-law Rinku. The deceased highlighted that he was being subjected to continuous coercion and malicious threats of false implication in dowry harassment cases targeted at his entire family, while his wife continues to occupy their home and extend threats to the family. Upon receiving the said video communication, the family members immediately launched a search for the deceased, but later that night, at around 10:00 PM, they received official information from the police that the dead body of Mohit Kumar (alias Monu) had been recovered from a room inside Hotel Jauhari, Etawah. The complainant has explicitly asserted that the deceased was driven to take the extreme step of committing suicide solely due to the continuous illegal pressure, mental torture, and systemic victimization perpetrated by his wife and her named relatives, which circumstances were explicitly narrated by the deceased himself in the video before his demise. In the course of the investigation, the electronic evidence containing the videos sent by the deceased was preserved in a Pen Drive and handed over by the complainant to the Investigating Officer (Vivechak). The Investigating Officer played and verified the contents of the said Pen Drive on the computer system at the concerned police station, which prima facie substantiated the allegations that the deceased was driven to suicide due to the persistent harassment by the accused persons, which video has also been circulated on social media platforms. The said electronic evidence has been duly secured, packed in a white cloth, and sealed with the official seal (Seal

Sarb Mohar) by the police, forming a certified true part of the case record.

6. Learned counsel for the applicant submitted the applicants are innocent. The allegations made in the first information report implicating the applicants are false and fabricated. The present first information report lodged by opposite party no.2 is nothing but a bundle of lie and the same has been lodged only for exploiting the applicants by indulging their names in a fake, false and frivolous case. The entire prosecution story as unfolded in the first information report is absolutely a self-made story projected by opposite party no.2. The same is nothing but an abuse of process of law only with a view to harass the applicants. It is further submitted that the applicant nos. 1 to 3 are the father-in-law, mother-in-law and brother-in-law of the deceased Mohit Kumar @ Monu respectively, who was brother of the complainant. The applicants are not involved in committing suicide by the deceased Mohit Kumar. Being the father, mother and brother of the wife of Mohit Kumar, they have been implicated in the present case. Perusal of the entire version as unfolded in the first information report and the statements of the informant and other witnesses, only bald and vague allegations have been made against them. During the course of investigation, the Investigating Officer has also not collected any evidence qua the involvement of the applicants in the alleged crime. All the allegations and evidence collected by the Investigating Officer are against the wife of the deceased Mohit Kumar. Neither the applicants have instigated the deceased to commit suicide nor they have intentionally aided something due to which the deceased commit suicide. They were also not involved in any conspiracy qua the suicide of the deceased along with other accused. Therefore as per definition of abetement given in Section 45 B.N.S., no offence under Section 108 B.N.S. is made out against the applicants. The applicants have also not given any threat to the deceased in any manner. As such, no case under Section 351 (2) B.N.S. is made out against them. In support of his case, learned counsel for the applicants has placed reliance upon the judgment of the Apex Court dated 18th August, 2025 passed in Criminal Appeal Nos. 2177-2185 of 2024 (**Abhinav Mohan Delkar Vs. The State of Maharashtra & Others**) (specifically paragraph nos. 23, 24, 39 and 40 of the said judgment).

On the above premise, learned counsel for urges that since no case is made out against the applicants, the entire proceedings of the aforesaid criminal case qua the applicants are liable to be quashed.

7. Per contra, learned counsel for opposite party no.2 and the learned A.G.A. has contented that from the allegations made in the First Information Report cognizable offence is made out against the applicants. The defence of the applicants cannot be taken into consideration, at this stage. Therefore, the

applicant does not deserve any indulgence.

8. Apart from the above, learned counsel for the opposite party no.2 submits that it is no doubt true that only bald and vague allegations have been made against applicant nos. 1 and 2, who are father-in-law and mother-in-law of the deceased and no prima facie evidence has been collected by the Investigating Officer during the course of investigation. However, against the wife of the deceased, namely, Priya Yadav and applicant no.3, who is the brother-in-law of the deceased, serious allegations have been made by the informant, which are consistent in the first information report and his statement recorded under Section 180 B.N.S.S. and also other witnesses have also made more or less such allegations against them. Even otherwise, from the audio clips and videos collected by the Investigating Officer during the course of investigation prima facie is cropped up that before the death of the deceased, his wife and brother-in-law (applicant no.3) used to harass him in various ways, verbally abusing and physically assaulting him; ultimately, driven by such severe mistreatment, the deceased committed suicide. In connection with the same, learned counsel for the opposite party no.2 has annexed some photographs, which have been taken from video clips, along with the supplementary affidavit filed today which is taken on record. He submits that in the said photographs, the applicant no.3 were beating up the deceased before his death.

On the above premise, learned counsel for opposite party no.2 urges that since there is adequate prima facie evidence against applicant no.3 qua the suicide of the deceased, therefore, he is not entitled to get any relief from this Court in exercise of powers under Section 528 B.N.S.S.

9. I have considered the facts and circumstances of the case, the submissions made by the learned counsel for the applicants, learned counsel for opposite party no.2 and the learned A.G.A. for the State and gone through the records of the present criminal application.

10. From the perusal of the material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicant no.3. All the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C./528 B.N.S.S. At this stage only prima facie case is to be seen where the allegation made in the FIR/complaint, even if they are taken at their entirety, prima facie constitutes cognizable offence against the applicant no. 3.

11. Position of law for invoking the jurisdiction of inherent power of High Court has been settled by the Apex Court in following judgments:-

- 1. R.P. Kapur Vs. State of Punjab, *A.I.R. 1960 S.C. 866*;**
- 2. Kurukshetra University Vs. State of Haryana, *(1977) 4 SCC 451*;**
- 3. State of West Bengal Vs. Swapan Kumar Guha, *(1982) 1 SCC 561*;**
- 4. Dhanalakshmi Vs. R. Prasanna Kumar, *1990 Supp SCC 686*;**
- 5. State of Haryana & Others Vs. Bhajan Lal, *1992 Supp (1) SCC 335*;**
- 6. State of Bihar Vs. P.P. Sharma, *1992 Supp (1) SCC 222*;**
- 7. B.S. Joshi Vs, State of Haryana, *(2003) 4 SCC 675*;**
- 8. Sanapareddy Maheedhar Seshagiri & another Vs. State of Andhra Pradesh & another, *(2007) 13 SCC 165*;**
- 9. State of Telangana Vs. Habib Abdulla Jilani & others, *(2017) 2 SCC 779*;**
- 10. M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra & others, *2021 AIR SC 1918*.**

11. After considering the totality of facts of the case and keeping in mind the position of law, there is no merit in the present application at the behest of applicant no.3. Apart from that there is no material to show that the complaint/FIR is malafide, frivolous and vexatious. The version of the first information report and the statements of the informant/complainant, victim recorded under Sections 161 Cr.P.C./180 B.N.S.S., and the police documents/papers support the prosecution version against applicant no.3. The interference at the threshold of quashing of the criminal proceedings of the present case at the behest of applicant no.3 cannot be said to be exceptional as it discloses prima facie commission of cognizable offence.

12. In the result, the prayer for quashing of entire proceeding, charge sheet and cognizance order is refused in respect of husband of the victim i.e. applicant no.3.

13. However, this Court finds substance in the submission made by the learned counsel for the applicants that no case for the alleged offence is made out against the applicant nos. 1 and 2. Perusal of the entire records including the first information report and the statement of the informant recorded under Section 180 B.N.S.S. the evidence collected by the Investigation Officer during the course of investigation, only general and vague allegations have been made against the applicant nos. 1 and 2, which have not supported by any evidence on record. Definition of abetment is defined in Section 45 B.N.S.

which is quoted herein-below:

“Section 45- Abetment of a thing.

A person abets the doing of a thing, who:

1. *(a). instigates any person to do that thing; or*

(b). engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

(c). intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1: *A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.*

Illustration: *A, a public officer, is authorised by a warrant from a Court to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.*

Explanation 2: *Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act."*

14. Bare perusal of definition of abetement and entire records clearly shows that neither the applicant nos. 1 and 2 have instigated the deceased to commit suicide, nor they had intentionally aided in suicide of the deceased nor they were involved in the conspiracy along with other accused in committing suicide of the deceased. As such, no case under Section 108 B.N.S. is made out against the applicant nos. 1 and 2. This Court also finds that there is no evidence on record on the basis of which it can be said that applicant nos. 1 and 2 had extended any threat to the deceased before his death.

15. In view the deeper scrutiny of the facts as recorded above and after due deliberation and discussions made above, this Court opines that the entire instant criminal proceedings against applicant nos. 1 and 2, who are father-in-law and mother-in-law of the deceased respectively are abuse of process of law and the same is liable to be quashed.

16. Consequently, against the applicant nos. 1 and 2, the entire

proceedings of Criminal Case No. 67 of 2025 (State Vs. Manoj Kumar & Others) arising out of Case Crime No. 4582 of 2025 under Sections 108 and 351 (2) B.N.S. Police Station-Civil Lines, District-Etawah, pending in the Court of Chief Judicial Magistrate, Etawah are quashed.

17. With the aforesaid observations, the instant application at the behest of applicant no.3 is **dismissed**, whereas the same at the behest of applicant nos. 1 and 2 is **allowed**.

October 9, 2026
Sushil/-

(Madan Pal Singh,J.)