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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 936/2025, CRL.M.A. 4292/2025, CRL.M.A. 4293/2025
LALIT GOSAIN & ORS.Petitioners
Through: Mr. Aakash Sirohi, Advocate.

versus

THE STATE OF NCT DELHI AND ORS.Respondents
Through: Mr. Satish Kumar, APP.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

% **ORDER**
12.02.2025

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC") [now Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS")] has been filed on behalf of the petitioner seeking quashing of the FIR bearing no. 617/2023 dated 21st July, 2023 registered at Police Station - Rani Bagh, Outer District, Delhi under Sections 498A/306/506/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The brief facts that led to the filing of the instant petition are as follows:

- a. The marriage between petitioner no. 1/husband and wife (now deceased) was solemnized on 14th December, 2022 under the Special Marriage Act, 1954 with the consent of both families. The wife was not taken to her matrimonial home and was told by the petitioner no.



- 1 that his rented accommodation was too small, and that he would take her abroad after arranging visa.
- b. In furtherance of the agreed arrangement, the petitioner no. 1 departed for New Zealand on 30th January, 2023, with the knowledge and consent of both families. The wife and petitioner no. 1 remained in communication through WhatsApp and other means.
 - c. During this time, the wife was undergoing treatment for mental health issues. Medical records indicate she was receiving psychiatric care and had been prescribed medication for her condition.
 - d. On 21st July, 2023, at approximately 6:00 AM, the wife allegedly jumped from the fourth floor of her parental home, leading to her demise. Subsequently, her mother filed a complaint at Police Station - Rani Bagh, alleging mental harassment, threats and cruelty by the husband (petitioner no. 1 herein), his brothers (petitioners no. 2 and 3 herein) and his mother (petitioner no. 4 herein).
 - e. Accordingly, the instant FIR was registered under Sections 498A, 306, 506 and 34 of the IPC, wherein, it has been alleged that after leaving for New Zealand, petitioner no. 1 threatened the deceased over WhatsApp, demanding divorce and making allegations of an extramarital affair. It was also alleged that petitioners no. 2 and 3 followed the deceased whenever she stepped outside, causing her distress and fear.
 - f. The investigation is ongoing, and no chargesheet has been filed as of date. The Petitioners have joined the investigation.
 - g. Aggrieved by the registration of the aforesaid FIR and the allegations contained therein, the petitioners have preferred the present petition



seeking quashing of the same.

3. Learned counsel appearing on behalf of the petitioners submitted that in light of the decision rendered by the Hon'ble Supreme Court in ***Gangula Mohan Reddy v. State of Andhra Pradesh, (2010) 1 SCC 750***, the essential ingredients required to constitute an offence under Section 306 of the IPC are not satisfied in the present case, and as such, no *prima facie* is made out against the petitioners.

4. It is submitted that the deceased was clearly not in a sound mental state and was suffering from psychotic episodes which is evident from her medical records as per which she was actively undergoing treatment for the same. Therefore, the alleged actions attributed to the petitioners cannot be said to have had a direct causal link to her demise.

5. It is submitted that the allegations levelled against the petitioners are devoid of *mens rea*, which is an essential ingredient for establishing the offence of abetment of suicide under Section 306 of the IPC.

6. It is submitted that the criminal proceedings in the present case are vitiated by *mala fide* intent and have been maliciously instituted with an ulterior motive to harass the petitioners and wreak vengeance upon them.

7. It is submitted that it is undisputed that petitioner no. 1 and the deceased never cohabited as husband and wife due to her prevailing mental health condition.

8. In view of the aforesaid submissions, it is prayed that the present petition may be allowed and the reliefs be granted as prayed for.

9. *Per Contra*, learned APP appearing on behalf the State vehemently opposed the instant petition. The Investigating Officer, who is present in the Court, handed over the case diary for perusal.



10. It is submitted that the case diary contains specific allegations against the petitioner no. 1, particularly concerning WhatsApp messages and phone calls allegedly made to the deceased. It is further submitted that the mobile phone of the deceased has been seized, and a *Fard Makhbuzi* has been duly prepared by the investigating agency as part of the ongoing investigation.

11. It is submitted that the deceased's mental health conditions does not absolve the petitioners of their actions. On the contrary, her vulnerable state was exploited through threats and harassment which directly contributed to her suicide. It is further submitted that the WhatsApp messages, witness statements and case diary establish a clear causal link between the petitioners' conduct and the deceased's demise.

12. It is submitted that the present FIR is based on substantial evidence and is not vitiated by *mala fide* intention. The complaint was filed immediately after the incident, and the police investigation has gathered material supporting the allegations. It is further submitted that the claim of malicious prosecution is an afterthought to evade accountability.

13. It is submitted that the fact that the petitioner no. 1 and the deceased never cohabited is irrelevant, as abetment of suicide does not require physical presence but intentional mental and emotional pressure. It is further submitted that the deceased was continuously subjected to threats and coercion, which contributed to her deteriorating condition and eventual suicide.

14. It is submitted that at the stage of quashing, the Court is not required to evaluate the sufficiency of evidence and that the material on record *prima facie* establishes a case against the petitioner, thus, warranting a trial. Therefore, it is prayed that the instant petition may be dismissed.



15. Heard learned counsel appearing on behalf of the parties and perused the material available on record.

16. It is clear that in the present case, the investigation is still ongoing, and the chargesheet has not yet been filed. The material collected so far is under scrutiny by the investigating agency.

17. It is well settled that the power to quash an FIR should be exercised sparingly and in the rarest of rare cases, particularly where the allegations, even if taken at face value, do not disclose any offence.

18. The Hon'ble Supreme Court has consistently held that mere allegations of *mala fides* or ulterior motive are not sufficient grounds to quash a criminal proceeding, especially when the allegations involve serious charges such as abetment of suicide.

19. In the present case, the petitioners' contention regarding *mala fide* intent is unsubstantiated and premature, as the evidence is still being collected, and the charge sheet has not yet been filed. If, upon completion of the investigation, the allegations are found to be baseless, the law provides the petitioners with adequate remedies at the appropriate stage.

20. The petitioners have relied on the decision made in ***Gangula Mohan Reddy (Supra)*** to contend that no *prima facie* case under Section 306 of the IPC is made out, as there is no positive act of instigation, intentional aiding or *mens rea* on their part. The relevant portion of the said precedent is reproduced as below:

“13. In State of W.B. v. Orilal Jaiswal [(1994) 1 SCC 73 : 1994 SCC (Cri) 107] this Court has cautioned that the court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to



the victim had in fact induced her to end the life by committing suicide. If it appears to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.

15. In the instant case, the deceased was undoubtedly hypersensitive to ordinary petulance, discord and differences which happen in our day-to-day life. Human sensitivity of each individual differs from the other. Different people behave differently in the same situation.

*16. This Court in **Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)** [(2009) 16 SCC 605 : (2009) 11 Scale 24] had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the words “instigation” and “goading”. The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the other. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.*

17. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he committed suicide.”



21. From the perusal of the abovementioned precedent, it is made out that for abetment of suicide, mere allegations of harassment are not sufficient. To convict someone under Section 306 of the IPC, the prosecution must establish *mens rea* by showing clear evidence that the accused intended for the deceased to take such a step.

22. However, whether such a positive act or *mens rea* exists in the present case is a matter of factual inquiry that can only be determined after a thorough investigation, i.e., after filing of the chargesheet.

23. Hence, at this stage, when the investigation is ongoing, this Court is of the considered view that such an argument is premature as the veracity of the allegations made against the petitioner cannot be determined without looking into the evidence collected by the investigating agency. It is only after the investigation reaches to a certain stage, it would be appropriate for the Court to consider the merits of the allegations, however, this Court does not find it appropriate to delve into the allegations at this juncture. As held in ***Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)* (2009) 16 SCC 605**, each case must be assessed on its own facts and circumstances, and there can be no straitjacket formula for determining abetment of suicide. The investigation is still ongoing, and evidence gathered is yet to be fully examined by the investigating authority.

24. Thus, the petitioner's reliance on ***Gangula Mohan Reddy (Supra)*** at this stage is misplaced and does not warrant quashing of the FIR. The threshold for quashing the present FIR is high, and given that specific allegations have been made, the investigation must be allowed to reach its logical conclusion. At this juncture, quashing the FIR would amount to



obstructing the due process of law.

25. Applying the principles of *State of Haryana v. Bhajan Lal*, 1992 **Supp (1) SCC 335**, to the present case, it is evident that none of the recognized categories justifying the quashing of criminal proceedings are attracted in the matter at hand as the FIR contains specific allegations against the petitioners and the investigation is at a nascent stage.

26. In view of the aforesaid facts and circumstances, this Court does not find any compelling reason to exercise its inherent powers in the instant matter. It is held that the petitioners have failed to establish any exceptional circumstances that would warrant interference at this stage.

27. Accordingly, the instant petition stands dismissed along with the pending applications, if any.

CHANDRA DHARI SINGH, J

FEBRUARY 12, 2025

NA/kj/ryp

Click here to check corrigendum, if any