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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

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**CRL.REV.P. 64/2025**

**GIRIRAJ PRASAD GOYAL**

.....Petitioner

Through: Mr. Sanjiv Kumar, Adv.  
with petitioner in person

versus

**STATE GOVT. OF NCT OF  
DELHI AND ORS.**

.....Respondents

Through: Mr. Sunil Kumar Gautam,  
APP for the State  
SI Chetan, PS- Paschim  
Vihar (West)  
Mr. Ashwin, Adv. for R2  
to R7

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

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**11.07.2025**

1. The present petition is filed against the order dated 06.11.2024 (hereafter '**impugned order**') passed by the learned Additional Sessions Judge ('**ASJ**'), West District, Delhi in SC No. 222/2021 whereby Respondent Nos. 2-6 were discharged of the offences under Sections 306/34 of the Indian Penal Code, 1860 ('**IPC**')
2. The FIR No. 89/2019 ('**FIR**') dated 28.02.2019 was registered on an application preferred by the petitioner/father of the deceased under Section 156(3) of the Code of Criminal Procedure, 1973 ('**CrPC**'). Respondent Nos. 2-3 are the parents-in-law of the deceased, Respondent Nos. 4-5 are the brothers-in-law and Respondent No. 6 is the sister-in-law of the deceased. The wife of the deceased was also initially made an accused, however, subsequent to her demise, the proceedings against her



were abated.

3. It is alleged that the marriage between the petitioner's son Gaurav Goyal (hereafter '**the deceased**') and one Ritu (since deceased) was solemnised on 27.04.2009 according to Hindu rites and customs. One child namely Vinay Goyal was born out of the said wedlock on 05.08.2010. It is alleged that the accused persons mocked the deceased in relation to his financial status. It is alleged that the wife of the deceased pressurised the deceased to join her father's business. It is alleged that the accused persons also threatened the deceased that they would ruin his life. It is further alleged that the accused persons abused, threatened and humiliated the deceased in family functions in the presence of the relatives.

4. It is alleged that in June, 2014, the wife of the deceased was diagnosed with breast cancer, and despite the best efforts of the deceased to provide good medical treatment to his wife, he was constantly humiliated at the hands of his wife. It is alleged that the deceased's wife in collusion with other accused persons pressurised the deceased to live separately from his family. It is alleged that even after the deceased started living separately from his family, the accused persons did not change their behaviour towards him. It is alleged that the wife of the deceased also physically assaulted him. It is alleged that on 31.07.2018, the deceased's wife left the house without any intimation or information.

5. It is further alleged that on 02.08.2018, the deceased received a call from Police Station Vikaspuri in relation to a complaint filed by his wife regarding custody of their minor son. It is also alleged that on 02.10.2018, the deceased's son Vinay Goyal was playing in front of the house and did not return till



7:00 PM after which a complaint was filed by the deceased at Police Station Mianwali Nagar. It is alleged that no action was taken by the police officials on the complaint filed by the deceased. It is alleged that owing to the constant humiliation and threats given by the accused persons, the deceased was forced to take his life.

6. After the completion of the investigation, the chargesheet was filed under Sections 306/34 of the IPC.

7. By the impugned order, the learned ASJ discharged the respondents of the offence under Sections 306/34 of the IPC. It was noted that the deceased committed suicide by hanging at his own house on 31.10.2018. It was noted that the deceased's wife had left her matrimonial home on 30.07.2018 and had also filed a complaint of torture at the hands of the deceased and thereafter had also filed a petition seeking custody of the minor child against the deceased.

8. The learned ASJ perused the suicide note authored by the deceased. It was noted that the crux of the entire suicide note was that the accused persons used to harass the deceased in relation to them being wealthier than the deceased. It was however noted that the suicide note was silent on any positive act on the part of the accused persons whereby the deceased would have been instigated to commit suicide. It was further noted that there existed no mention of any act of instigation on the part of the accused persons. It was noted that no allegations in respect of abetment to suicide was made against the accused persons. It was noted that the perusal of the suicide note only led to an inference that the deceased was not happy as his wife had left his company.

9. It was further noted that there was no evidence to suggest that any physical meeting of any kind took place between the



accused persons and the deceased from the date when the deceased's wife left her matrimonial home. It was noted that admittedly the accused persons and the deceased only met one time when the deceased asked the accused persons to send his wife to her matrimonial home.

10. During the course of the investigation, the statement of the minor son Vinay was also recorded wherein he narrated that the deceased was violent and used to physically assault his mother and abuse his maternal grandparents. He stated that the deceased used to consume liquor and also visit casinos.

11. The learned ASJ noted that there was no evidence on record to show that any physical meetings ever took place between the accused persons or the family members of the deceased from where it could be inferred that the accused persons may have harassed the deceased in a manner for the deceased to commit suicide. It was further noted that there was no evidence of any telephonic conversation between the accused persons and the deceased for there to be any abetment in the alleged commission of suicide.

12. The learned ASJ noted that from a perusal of the chargesheet it was evident that the nature of dispute between the deceased and his wife was domestic in nature. It was noted that during the course of investigation, the Principal of Vinay's school was also examined who stated that she had provided counselling to Vinay Goyal, who upon enquiry, had said that his father used to consume liquor and beat her. Consequently, considering the dearth of evidence on record to suggest that the accused persons had any active role in the abetment of suicide of the deceased, the learned ASJ discharged the respondents of the offences under Sections 306/34 of the IPC.



13. The learned counsel for the petitioner submits that the learned ASJ erred in discharging the respondents. He submits that specific allegations of harassment were made against Respondent Nos. 2-6. He submits that the same raises grave suspicion against the accused persons for the framing of charge under Sections 306/34 of the IPC.

14. *Per contra*, the learned counsel for the respondent submits that the impugned order is well reasoned and merits no interference by this Court. He submits that during the pendency of the case in which the impugned order has been passed, the parties had entered into a settlement and had *inter se* settled the disputes and had also approached this Court for quashing of the FIR. He submits that on that occasion, after brief arguments, Respondent Nos. 2-6 had sought permission to withdraw the quashing petition and that this Court, by order dated 08.08.2023 in CRL. M.C. 5590/2023 had dismissed the petition seeking quashing of the FIR as withdrawn with liberty to Respondent Nos. 2-6 to raise all contentions at the time of consideration of charge.

15. He submits that the learned ASJ, after taking note of the allegations and the contentions of the petitioner discharged Respondent Nos. 2-6 thereby noting that no grave suspicion arose against Respondent Nos. 2-6 for the framing of charges under Sections 306/34 of the IPC.

### **Analysis**

16. Since the petitioner has assailed the impugned order whereby the respondents were discharged of the offences under Sections 306/34 of the IPC, it will be apposite to succinctly discuss the statutory law with respect to framing of charge and discharge as provided under Section 227 and 228 of the CrPC.



The same is set out below:

*“227. Discharge If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.*

*228. Framing of Charge*

*(1) If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which—*

*(a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, 1 [or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or, as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate] shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;*

*(b) is exclusively triable by the Court, he shall frame in writing a charge against the accused.*

*(2) Where the Judge frames any charge under clause (b) of subsection (1), the charge shall be read and explained to the accused and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.”*

17. The Hon'ble Apex Court, in the case of **Sajjan Kumar v. CBI : (2010) 9 SCC 368**, has culled out the following principles in respect of the scope of Sections 227 and 228 of the CrPC while observing that a *prima facie* case would depend on the facts and circumstances of each case. The relevant paragraphs read as under :

*“21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:*

*(i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.*

*(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.*

*(iii) The court cannot act merely as a post office or a*



*mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.*

*(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.*

*(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.*

*(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.*

*(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal.”*

*(emphasis supplied)*

18. In a recent decision in **State of Gujarat v. Dilipsinh Kishorsinh Rao** : 2023 SCC OnLine SC 1294, the Hon'ble Apex Court has discussed the parameters that would be appropriate to keep in mind at the stage of framing of charge/discharge, as under:

*“7. It is trite law that application of judicial mind being necessary to determine whether a case has been made out by the prosecution for proceeding with trial and it would not be necessary to dwell into the pros and cons of the matter by examining the defence of the accused when an application for discharge is filed. At that stage, the trial judge has to merely examine the evidence placed by the prosecution in order to determine whether or not the grounds are sufficient to proceed against the accused on basis of charge sheet material. The nature of the evidence recorded or collected by*



*the investigating agency or the documents produced in which prima facie it reveals that there are suspicious circumstances against the accused, so as to frame a charge would suffice and such material would be taken into account for the purposes of framing the charge. If there is no sufficient ground for proceeding against the accused necessarily, the accused would be discharged, but if the court is of the opinion, after such consideration of the material there are grounds for presuming that accused has committed the offence which is triable, then necessarily charge has to be framed.*

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*12. The primary consideration at the stage of framing of charge is the test of existence of a prima-facie case, and at this stage, the probative value of materials on record need not be gone into. This Court by referring to its earlier decisions in the State of Maharashtra v. Som Nath Thapa, (1996) 4 SCC 659 and the State of MP v. Mohan Lal Soni, (2000) 6 SCC 338 has held the nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of prima-facie case. It is also held at the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial.”*

19. The Court at the stage of framing of charge is to evaluate the material only for the purpose of finding out if the facts constitute the alleged offence, given the ingredients of the offence. Thus, while framing of charges, the Court ought to look at the limited aspect of whether, given the material placed before it, there is grave suspicion against the accused which is not properly explained. Though, for the purpose of conviction, the same must be proved beyond reasonable doubt.

20. From a perusal of the impugned order, it is apparent that the learned ASJ took into consideration the contentions advanced by the petitioners. The short point for determination by this Court is whether there is any infirmity in the impugned order whereby the learned ASJ discharged the respondents of the offences under Sections 306/34 of the IPC.



21. The allegations against the respondents are that they abetted in the commission of suicide of the deceased. In this regard, it is pertinent to examine Sections 306 and 107 of the IPC. The same reads as under:

*“306. Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*

*107. Abetment of a thing.—A person abets the doing of a thing, who—*

*First.—Instigates any person to do that thing; or*

*Secondly.—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*  
*Thirdly.—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.”*

22. In accordance with Section 306 of the IPC, whoever abets in the commission of suicide would be liable for abetment of suicide. Further, for there to be ‘abetment’ as per Section 107 of the IPC, the person abetting in the commission of the act has to ‘instigate’ any person to commit any act, ‘engage with one or more persons for the doing of the act’, or intentionally aid in the doing of the act.

23. The Hon’ble Apex Court in the case of ***Shenbagavalli and Ors v. The Inspector Of Police, Kancheepuram District And Anr. : 2025 INSC 607*** while delineating the ingredients of abetment of suicide observed 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.***

(emphasis supplied)

24. From a perusal of the material on record, it is apparent that no *prima facie* case under Section 306 of the IPC was made out against the respondents. The genesis of the present case stems from the suicide note authored by the deceased wherein the deceased has alleged that he was harassed and tortured at the hands of Respondent Nos. 2-6 in relation to his financial status. The suicide note further indicates that the deceased and his wife were in a strained relationship. From a perusal of the suicide note, it is apparent that while the same reflects the anguish that the deceased faced in his matrimonial life, the same however fails to disclose any instigation or intentional aid on the part of the respondents to lead the deceased to commit suicide. Further, as rightly noted by the learned ASJ, there is no mention of any act on the part of the accused persons or any specific allegations against any accused persons to constitute instigation for the purpose of commission of the suicide. The suicide note only indicates that the accused persons harassed the deceased in relation to his financial status.

25. It is borne out from the record that the deceased and his wife were embroiled in matrimonial disputes. However, as rightly noted by the learned ASJ, there existed no evidence on record to arouse grave suspicion from where it could be inferred



that the accused persons ma name harassed the deceased in a manner for the deceased to commit suicide. Further, there is no evidence of any telephonic conversation or any physical meetings between the accused persons or the family members of the deceased to highlight any instigation any part of the accused persons in the commission of suicide. The contents of the FIR also fail to indicate any active or direct act on the part of Respondent Nos. 2-6 that can be said to have compelled the deceased to commit suicide. Merely because the accused persons harassed the deceased in relation to his financial status and the strained relationship between the parties does not tantamount to mean that the accused persons abetted in the commission of suicide. In order to attract the offence under Section 306 of the IPC, there ought to be evidence to suggest that the accused persons by such acts intended to instigate the deceased to commit suicide [Ref: ***Shenbagavalli and Ors v. The Inspector Of Police, Kancheepuram District And Anr.***]

26. In the present case, from a perusal of the impugned order, and the material on record, it is apparent that there is no grave suspicion against the accused which was not properly explained. In the opinion of this Court, no *prima facie* case is made out against the respondent under Sections 306/34 of the IPC.

27. At this juncture, it is also pertinent to note that the petitioner, during the pendency of the case before the learned Trial Court, had entered into a settlement with Respondent Nos. 2-6 in respect of the allegations made in the subject FIR. The settlement agreement records that the FIR was registered on account of extreme emotional trauma faced by the petitioner. Thereafter, the parties *vide* CRL. M.C. 5590/2023 had approached this Court for quashing of the subject FIR. By order



dated 08.08.2023, this Court ed the said quashing petition as withdrawn on the request of Respondent Nos. 2-6 with liberty to them to raise all contentions before the learned Trial Court. It is peculiar that the petitioner is now seeking to contest the discharge of the accused respondents, after having earlier settled the matter of their own will.

28. In view of the aforesaid discussion, this Court does not find any infirmity in the impugned order, and the same cannot be faulted with.

29. The present petition is accordingly dismissed.

**AMIT MAHAJAN, J**

**JULY 11, 2025**