

08.
05.03.2026
Ct.29
Bd.

CRR 2521 of 2024

Gokul Das & Ors.
-vs-
The State of West Bengal & Anr.

Mr. Pawan Kumar Gupta
Mr.Md. Hasanuz Zaman
Mr. Md. Zeeshanuz Zaman ... for the petitioners

Mr. Joydeep Biswas
Mr. Saptarshi Chakraborty ... for the State.

The petitioners herein have prayed for quashing of the proceeding being G.R.Case No. 1350 of 2020 presently pending before learned Additional Sessions Judge, Fast Track Court-II, Bongaon.

It is submitted on behalf of the petitioners that petitioner nos. 1 and 2 are the parents and petitioner no. 3 is the sister of deceased Ashim Das, who was married with the opposite party no.2/complainant and committed suicide on 07.06.2020. Thereafter the opposite party no. 2 lodged complaint against the present petitioners with the allegation that she had learnt from the neighbors that on that very day when the victim had gone to meet his parents in the afternoon he was abused with filthy languages and was also assaulted by them and that the petitioners also instigated him to commit suicide.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioners submits that on the basis of self-same incident they have also lodged complaint being Bagdah Police Station FIR No. 333 of 2020 under sections 302/120B/34 of the Indian Penal Code against the opposite party no. 2 herein. It is

further alleged that the opposite party no. 2 being a civic volunteer has influenced the police and as such the police authority submitted final report stating closure of investigation on the ground of mistake of fact being FRMF No. 65/2021 dated 31st January, 2021. However, police submitted charge-sheet against the present petitioners under sections 306/34 of the IPC in respect of present FIR over self same incident lodged by opposite party no. 2.

Learned counsel for the petitioners submits that though in the FIR the specific allegation made by the defacto-complainant is that she came to learn from the neighbours that on that very afternoon the victim had gone to her parents when he was abused but from the statements recorded under section 161 Cr. P.C. it clearly demonstrates that no such neighbour has corroborated such contention of the defacto-complainant.

Moreover, defacto-complainant has nowhere disclosed the name of the neighbour(s) from whom she had come to learn about the alleged abatement by any of the accused/petitioner. He further submits that admittedly in the present case no suicide note had been recovered by the police during investigation. Merely a remark by the wife of the victim that victim's parents have abated her husband to commit suicide, which she has allegedly learnt from unidentified neighbours does not constitute offence under section 306 IPC. Therefore, continuance of the further proceeding against the present petitioners will be a mere abuse of the process of the court, in view of the fact, that there is no evidence that the petitioners had any role to play in committing

offence and when admittedly victim had committed suicide not at the house of their parents but at the house of opposite party no. 2.

Learned counsel appearing on behalf of the State placed the case diary and he has also pointed out page 26, which is a letter addressed to the Officer-in-Charge, Bagdah Police Station dated 27th January, 2026 written by the defacto complainant where she has clearly stated that victim was suffering from mental illness and for which he committed suicide due to frustration and she has no allegation against anyone.

I have considered the submissions made on behalf of both the parties. On perusal of the materials available in the record and case diary, including the statements recorded under section 161 of the Cr.P.C., it is clear that beside hearsay statement made by opposite party no. 2 in the FIR, there is no direct or indirect evidence regarding acts of incitement by the petitioners to the commission of suicide.

Needless to say if one reads section 306 IPC with section 107 of IPC, prosecution must have established by way of evidence.

- (i) That the petitioners have made direct or indirect instigation.
- (ii) Such instigation has close proximity to the commission of suicide by the victim.
- (iii) There appears clear mens rea to abate the commission of suicide by the victim.

In the instant case the prosecution during investigation has failed to collect any evidence to substantiate any of the aforesaid ingredients. In fact there is nothing to show that the petitioners, who are victim's parents and sister have played any active role or any positive or direct act to instigate or aid the

deceased in committing suicide. Neither the statement of the complainant nor that of the alleged neighbours of complainant as recorded by the investigating officer during investigation suggest any kind of instigation by any of the petitioners to abate the commission of suicide. A casual remark by the defacto complainant in the FIR that the petitioners are likely to cause harassment in ordinary course of things will not come within the purview of instigation. There must be proof of positive action by the petitioners that creates a situation for the victim to put an end to life. Therefore, even if all evidence on record, including the charge-sheet and the witness statements, are taken to be correct, there is not an iota of evidence against any of the petitioners. I also find that the allegations against the petitioners are too remote and indirect to constitute the offence under section 306 IPC. Therefore, further continuance of the impugned proceeding will be a mere abuse of the process of the Court.

In such view of the matter, the application being CRR 2521 of 2024 is allowed.

The impugned proceeding being G.R.Case No. 1350 of 2020 presently pending before learned Additional Sessions Judge, Fast Track Court-II, Bongaon is hereby quashed.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)

