CGHC010461692025 2026:CGHC:45310

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2313 of 2025

1. Harakh Sahu S/o Late Bhuwan Sahu Aged About 49 Years R/o Village - Jungera, Post - Taraud, District - Balod Chhattisgarh.
2. Dipak Nirmalkar S/o Late Jhukuram Nirmalkar Aged About 51 Years R/o Village - Jungera, Post - Taraud, District - Balod Chhattisgarh.
3. Shubham Sahu S/o Gayani Sahu Aged About 30 Years Caste - Kurmi, R/o Village - Jungera, Post - Taraud, District - Balod Chhattisgarh.
4. Upendra Chandrakar S/o Pradeep Chandrakar Aged About 32 Years R/o Village - Jungera, Post - Taraud, District - Balod Chhattisgarh
5. Deepak Sahu S/o Sahu Aged About 48 Years R/o Village - Jungera, Post - Taraud, District - Balod Chhattisgarh.
6. Suresh Sahu S/o Sahu Aged About 48 Years R/o Village - Jungera, Post - Taraud, District - Balod Chhattisgarh.
7. Johat Ram Yadav S/o Late Ramadhar Yadav Aged About 52 Years R/o Village - Jungera, Post - Taraud, District - Balod Chhattisgarh.
8. Balkrishan @ Balu Ganjeer S/o Siyaram Ganjeer Aged About 49 Years R/o Village - Jungera, Post - Taraud, District - Balod Chhattisgarh.

... Appellants.

versus

1. Smt. Ishwari Bhuarya Wd/o Late Omprakash Bhuarya Aged About 43 Years R/o Village Jungera Post - Tahsil And P.S. Balod, District - Balod Chhattisgarh
2. Amit Bhuarya S/o Late Omprakash Bhuarya Aged About 23 Years R/o Village - Jungera, Post Tahsil And P.S. - Balod, District - Balod Chhattisgarh

... Respondents.

For Appellants	**:**	Mr. Hemant Gupta, Advocate.
For Respondents	**:**	Mr. Neeraj Baghel with Ms. Shimpi Agrawal, Advocates.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi, J)

Order on Board

27/10/2026

1. The matter is listed for hearing on IA No.01/2025, application for grant of interim relief. However, with the consent of the parties, it is heard finally.
2. The present appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellants against the order dated 23.04.2025 passed by the learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Balod (Henceforth "learned Special Court") in Special Sessions Case No.29/2025, whereby the learned Special Court, on the basis of the private complaint made by the respondents, registered the case against the appellants for the offences punishable under Sections 500, 306 read with Section 149 of the Indian Penal Code

and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Henceforth the "Act of 1989").

3. Facts of the case, in brief, are that the respondents filed a complaint against the appellants under Section 200 of CrPC {alternative Section 156(3) of CrPC} for registration of offence against the appellants/proposed accused under Sections 120B, 420, 406, 468, 471, 201, 384/34, 194, 406, 500, 506, 306 of IPC and Section 3(1)(n), 3(1)(p), 3(1)(q), 3(1)(z), 3(1)(zc), 3(2)(a), 3(2)(i), 3(2)(ii) and 4 of the Act of 1989, alleging therein that in the village meeting held on 10.5.2024, the appellants imposed penalty of Rs.30,000/- on Om Prakash Bhuarya (husband of respondent No.1 and father of respondent No.2) levelling certain allegation against him. It is alleged that the appellants pressurized him to deposit the penalty or else their family shall be expelled from the village. Earlier also, in the month of March, 2024, penalty of Rs.11,000/- was imposed upon them, out of which a sum of Rs.5,000/- was deposited by them. On account of said allegations leveled against Om Prakash Bhuarya, he felt very scared, troubled, humiliated and was very worried about the penalty amount, therefore, he committed suicide by hanging himself in the intervening night of 16th and 17th of May, 2024. Since the police did not take any action against the appellants, a complaint was made to the Superintendent of Police and Collector, despite that no action was taken against the appellants. It is further alleged that the appellants are pressurizing

them to take back the complaint and also threatening the other villagers not to make any contact with them. Therefore, the respondents filed the aforesaid complaint for registration of criminal case against the appellants/proposed accused for the offences as mentioned above, before the learned Special Judge (Atrocities), Balod, Distt. Balod.

4. Learned Special Judge recorded statements of the respondents and other witnesses. After perusal of the statements and documents annexed with the complaint, the learned Special Judge passed the impugned order dated 23.4.2025 thereby directing to register a criminal case against the appellant/proposed accused for the offence under Sections 500, 306 read with Section 149 of IPC (it ought to have been under BNSS, 2023) and Section 3(2)(v) of the Act of 1989, which has been challenged in this appeal.

5. It is pertinent to mention here vide order dated 06.02.2026 the Co-ordinate Bench has stayed the proceedings of the learned Special Court.

6. Learned counsel for the appellants submits that the complaint has been registered merely on the allegation that the appellants were present in the village meeting and participated in a decision whereby the deceased was directed to pay Rs.30,000/- as penalty on the allegation that he had spread defamatory news against the village girls and abused the members of the village committee. It is further submitted

that the material on record does not disclose that the appellants created any such pressure upon the deceased or threatened him with any consequence so as to compel him to commit suicide. He further submits that there is no material to show that the appellants threatened the deceased with expulsion from the village community or that they instigated, aided or intentionally compelled him to commit suicide. The village meeting was held in the presence of several persons and the decision regarding imposition of penalty for being donated to Sheetla Mandir was taken collectively. The deceased himself participated in the meeting and signed the relevant register and also admitted the allegation. It is also submitted that the police had conducted an enquiry into the death of the deceased and had not found any criminal act on the part of the appellants constituting abetment of suicide. The subsequent private complaint was filed after considerable deliberation and contains allegations which are not supported by any cogent material. It is also submitted that the learned Special Court took cognizance without affording an opportunity of hearing to the appellants. He lastly submits that the essential ingredients of Sections 500, 306 and 149 of the IPC and Section 3(2)(v) of the Act of 1989 are not made out from the allegations or the material placed before the learned Special Court. Therefore, the impugned order as well as the consequential criminal proceedings are not sustainable and deserve to be set aside.

7. Per contra, learned counsel appearing for the respondents/complainants supports the impugned order and submits that the deceased was pressurized in the village meeting to pay an amount of Rs.30,000/- and was also threatened that he would be ousted from the village community in case of failure to pay the amount. It is submitted that such conduct caused serious mental harassment to the deceased, who thereafter committed suicide by hanging in the intervening night of 16-17.05.2024. Therefore, sufficient material was available before the learned Special Court to register the complaint under the aforesaid sections; hence the present appeal deserves to be dismissed.

8. I have considered the submissions of learned counsel for the parties and perused the material available on record.

9. As per the complaint, on account of certain allegations, a huge penalty of Rs.30,000/- was imposed upon the deceased, and the appellants/proposed accused were pressurizing him to deposit the same overlooking his poverty as they belong to scheduled tribe community. It has further been alleged that the appellants pressurized the deceased to deposit the penalty or else his family will be expelled from the village, which caused tremendous stress and humiliation to the deceased as a result of which he committed suicide. The aforesaid fact has also been reiterated by PW-1 Ishwari Bhuarya, PW-2 Amit Bhuarya, PW-3 Ramesh Bhuarya, PW-4 Johat Ram Bhuarya and PW-5

Anuj Kumar Sahu. The police also enquired into the matter, recorded statements of the witnesses during merg enquiry and reported on 30.12.2024 (Annexure P/6) that on 10.5.2024 a discussion was held in the village meeting where certain allegations were made against the deceased; which were admitted by the deceased and he agreed to pay Rs.30,000/- to the village committee. The register of the village committee also bears his signature. However, seven days thereafter he committed suicide by hanging himself in his house. It was also reported that the deceased was an alcoholic and committed suicide due to family and personal problems. Hence the police requested for closure of the said matter.

10. Now, it is necessary to examine whether the allegations made in the complaint, even if taken at their face value, disclose the ingredients of the offence under Section 306 IPC. Section 306 IPC deals with abetment of suicide and, therefore, the existence of abetment as defined under Section 107 IPC is a necessary requirement.

11. The law relating to abetment of suicide is well settled. Mere allegation of harassment or the fact that the deceased was subjected to some unpleasant situation would not, by itself, constitute abetment of suicide. There must be material showing a positive act of instigation, intentional aiding or such conduct which has a proximate nexus with the suicide.

12. In the present case, the material placed before this Court shows that a village meeting was held on 10.05.2024 in relation to allegations made against the deceased. The case of the complainant is that in the said meeting the deceased was required to contribute Rs.30,000/- as donation and that he was threatened with expulsion from the village community in case of non-payment.

13. Even accepting the aforesaid allegation as it stands, the material does not disclose any specific act of instigation or intentional aid on the part of any of the eight appellants. There is no specific allegation indicating as to which appellant made a particular threat, in what manner such threat was extended, or what specific act was committed by any particular appellant which could reasonably be said to have driven the deceased to commit suicide.

14. The incident of the village meeting took place on 10.05.2024, whereas the deceased committed suicide in the intervening night of 16/17.05.2024. There is not only sufficient time gap between the alleged incident and commission of suicide, but also the absence of a positive act of instigation or intentional aid by the appellants constituting abetment of suicide. Further, the meeting was held in relation to allegations concerning the conduct of the deceased and that the amount of Rs.30,000/- was stated to be an donation/contribution to Sheetla Mandir. The material placed before this Court does not disclose that the said amount was demanded by any particular appellant for his

personal benefit. On the contrary, the material indicates that the decision was taken in the course of the village meeting collectively.

15. The prosecution/complainant is, of course, not required to establish the case beyond reasonable doubt at the stage of registration of the complaint. However, there must be some material which, if accepted, would constitute the essential ingredients of the offence alleged. The Court cannot permit a criminal prosecution to continue merely because the deceased unfortunately committed suicide after an incident which was unpleasant or stressful, unless the legal ingredients of abetment are prima facie disclosed.

16. The Hon'ble Supreme Court has time and again reiterated that there must be a positive act on the part of the accused and that the alleged conduct must have a proximate connection with the decision of the deceased to take his own life.

17. So far as Section 149 IPC is concerned, the material does not disclose the existence of an unlawful assembly having a common object to compel the deceased to commit suicide or to threaten him in such a manner. The mere presence of the appellants in a village meeting, without any specific role attributed to them, cannot by itself attract the principle of constructive liability under Section 149 IPC.

18. There is yet another difficulty in applying Section 3(2)(v) of the SC/ST Act. The mere fact that the deceased belonged to a Scheduled Tribe community is not sufficient to attract the said provision. There must be

material indicating that the offence was committed against the deceased on the ground that he belonged to a Scheduled Tribe. The Supreme Court has repeatedly held that the caste status of the victim, by itself, does not satisfy this requirement; a nexus between the offence and the victim's caste is necessary. In the present case, there is no allegation or material showing that the alleged demand of Rs.30,000/-, the alleged threat or the decision taken in the village meeting was on account of the deceased being a member of a Scheduled Tribe. The allegations relate to the conduct of the deceased and the complaints made against him. Therefore, the necessary caste nexus required for attracting Section 3(2)(v) of the SC/ST Act is also not disclosed.

19. So far as the offence under Section 500 of the IPC is concerned, the material available on record also does not disclose the necessary ingredients of the said offence against the appellants. There is no specific allegation that any particular appellant made or published any defamatory imputation against the deceased with the intention, or knowledge, that such imputation would harm his reputation. The allegations made in the complaint essentially relate to the proceedings of the village meeting and the alleged demand of Rs.30,000/- as donation on account of the allegations concerning the conduct of the deceased. Mere participation in such meeting or discussion regarding the allegations against the deceased, in the absence of any specific defamatory statement attributable to any of the appellants, would not

constitute the offence of defamation punishable under Section 500 IPC. Therefore, the essential ingredients of Section 500 IPC are also not prima facie made out against the appellants.

20. The appellants have also raised the issue that the impugned order has been passed without affording them an opportunity of hearing. Section 223(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 contains a proviso requiring an accused to be given an opportunity of being heard before cognizance is taken on a complaint. This procedural infirmity further affects the sustainability of the impugned order.

21. Moreover, the available record also shows the happening of village meeting and the imposition of the amount of penalty on the deceased on account of spreading defamatory news against the village girls and using abusive language against the members of the village committee, but it does not establish the necessary link between the conduct of any of the appellants and the commission of suicide by the deceased.

22. Hence, on an overall consideration of the material, this Court finds that the allegations, even if accepted in their entirety, do not disclose the essential ingredients of Sections 500 and 306 of IPC against the appellants. There is also no sufficient material to invoke Section 149 IPC or Section 3(2)(v) of the Act of 1989. Continuation of the criminal proceedings against the appellants, in the facts and circumstances of the present case, would unnecessarily subject the appellants to the rigours of a criminal trial, causing them undue prejudice, particularly

when the foundational ingredients of the alleged offences are not prima facie established. Consequently, the impugned order dated 23.04.2025 passed by the learned Special Court registering the complaint against the appellants for the aforesaid offences, cannot be sustained.

23. Accordingly, the appeal is **allowed**. The impugned order dated 23.04.2025 passed by the learned Special Court passed in Special Sessions Case No.29/2025 is hereby **set aside**. Consequently, the criminal proceedings arising out of the private complaint against the appellants in Special Sessions Case No.29/2025 for the offences under Sections 500, 306 read with Section 149 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are hereby **quashed**.

24. Pending application(s), if any, stands disposed of.

25. A copy of this order be sent to the concerned Court for information and necessary compliance.

Sd/
(Naresh Kumar Chandravanshi)
Judge

MOHD AKHTAR KHAN
Digitally signed by MOHD AKHTAR KHAN
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