IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CONSENT QUASHING) NO. 8115 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR.JUSTICE P. M. RAVAL

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Approved for Reporting	Yes	No
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TULSIDAS MADANLAL TAHILIANI(TAHILIANI)(AS PER CHARGE SHEET) & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR P P MAJMUDAR(5284) for the Applicant(s) No. 1,2
MR HARISH J SONI(5142) for the Respondent(s) No. 1,2
MR. JAY MEHTA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 11/06/2026

ORAL JUDGMENT

1. With the consent of the parties the matter is taken up for final hearing.

2. Rule is fixed forthwith. Learned Additional Public Prosecutor and learned advocate for the complainant waive service of rule.

3. By way of the present application, the applicants seek to invoke the inherent jurisdiction vested under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and thereby seek to

quash and set aside the FIR being C.R. No I-96 of 2019 lodged before the Chhotaudapur Police Station, and the charge sheet filed therein and the charge frame order in Sessions Case No.40 of 2023 for the offences punishable under Section 306 and 34 of the Indian Penal Code, 1860, and all other consequential proceedings arising out of the criminal prosecution,

4. Learned advocate Mr. P. P. Majmudarmainly for the applicants would argue to quash and set aside the impugned FIR mainly on the grounds that the entire reading of the FIR and the suicide note which does not attract any of the provisions punishable under Section 306 of the IPC, more particularly, when there is no abetment as defined under Section 107 of the IPC. Thus, the suicide note does not reflect any positive action proximate at the time of occurrence by the accused persons which compels the deceased to commit suicide, and clearly there are allegations of interference in the official works to be carried out by the deceased assigned by the applicants, the No.1 who was the Executive Engineer and applicant No.2 was the Deputy Executive Engineer. Thus, learned advocate Mr. P. P. Majmudar for the applicants would contend that over and above the factual aspects which does falls within the four corners of provision of Section 107 of the IPC. Even otherwise, the complainant has filed an affidavit entering into compromise with the present applicants which is placed on record, and argued to allow the present application both while arguing on merits as well as on the

ground of compromise.

4.1. While arguing on merits, the learned advocate for the applicants would relied on the contention of the FIR as well as the suicide note. The learned advocate would contend that the allegations qua the applicant No.1 is that, time and again, directly and indirectly he is mentally harassing, while applicant No.2 is indirectly tried to create hindrance in the official work and time and again instigated in the office. Except these allegations, there are no allegations of over act which would amounts to attract the provisions of Section 306 read with Section 114 and 34 of the IPC.

4.2. Learned advocate Mr. P. P. Majmudar has relied on the judgment dated 27.06.2022 passed in Criminal Misc. Application No.19305 of 2020 and order dated 15.10.2024 passed in Special Criminal Application (Quashing) No.3742 of 2015, to buttress his arguments both on merits as well as on the ground of compromise, this Court may quash the complaint and as much as neither does it attract the provisions of Section 306 nor does the FIR as well the suicide note fall within the four corners of the Section 107 of the IPC.

5. *Per contra*, learned Additional Public Prosecutor Mr. Jay Mehta would submit that apart from the suicide note there are various statements of the employees working with the office of the

deceased namely (1) Tersinh Jethabhai Rathva, (2) Babulal Ambalal Meena, (3) Ashokbhai Rathva, (4) Vitthalbhai Rathva and (5) Atulbhai Rathva and the person who was earlier working under the office of the applicants namely Jitendrabhai Rathva, who have stated that the applicants have pressure tactics and thus, argued to reject the present application. Learned APP would further submit that on perusal of the statements of aforestated witnesses, the misbehavour and pressure tactics adopted by the present applicants would surfaces on record, and because of that the deceased has committed suicide and thus, argued to reject the present application.

6. From the reading of the FIR as well as suicide note, what is alleged are as follow:

> (1) The complainant Manojbhai who is cousin brother of the deceased is residing at village Balvada, Taluka: Chikhali, District: Navsari, whereas the deceased was residing at Chhotaudepur.
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> (2) On 12.10.2019 the deceased had visited at village Balvada at Saturday night and at 10 O'clock while the complainant had visited his house, his cousin brother – deceased had informed that his higher officers were harassing him for office work, therefore, it is not possible to work at the office at Chhotaudepur.
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> (3) On 19.10.2019, the complainant had received a phone call from Chhotaudepur that any time before 9 O'clock, deceased Vikrambhai had committed suicide, and thus, the

suicide note was obtained from his pocket of his pent wherein it has stated that *"Tahiliyani Sir is responsible for my death who time and again directly and indirectly meted out mental cruelty as well as Hemang Shah is also responsible for directly create obstacles, and time and again he is instigating in the office. To take this decision it is very difficult, however, I hope that my sacrifice will not go into the vain and my family would be facing great difficulty, however, I pray that God gives courage to my friends and relatives."*

7. Having considered the averments made in the complaint as well as suicide note, what has been stated is exerting mental cruelty by the applicant No.1 and qua the applicant No.2 the allegations are creating hindrance in the work and instigating in the office, as to what are the instigation and hindrances the applicant No.2 has created is not stated. What type of mental cruelty meted out by the applicant No.1 is also not stated either directly or indirectly. It may so happened that the higher officers who used harsh words in the office with regards to the work undertaken by the deceased and must also have pressurize him to complete the work. However, there is not an iota of evidence as to what type of hindrances are created by them to attract the provisions of Section 306 read with Section 107 of IPC.

8. It is pertinent to mention here that the Hon'ble Supreme Court in the case of ***Mahendra Awase vs. State of Madhya Pradesh,*** reported in ***(2025) 4 SCC 801*** held in paragraphs 23 and 24 as follows:

> *"23. This Court has, over the last several decades, repeatedly reiterated the higher threshold, mandated by law for Section 306 IPC (Now Section 108 read with Section 45 of the Nyaya Sanhita, 2023) to be attracted. They however seem to have followed more in the breach. Section 306 IPC appears to be casually and too readily resorted to by the police. While the persons involved in genuine cases where the threshold is met should not be spared, the provision should not be deployed against individuals, only to assuage the immediate feelings of the distraught family of the deceased.*
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> *24. The conduct of the proposed accused and the deceased, their interactions and conversations preceding the unfortunate death of the deceased should be approached from a practical point of view and not divorced from day-to-day realities of life. Hyperboles employed in exchanges should not, without anything more, be glorified as an instigation to commit suicide. It is time the investigating agencies are sensitised to the law laid down by this Court under Section 306 so that persons are not subjected to the abuse of process of a totally untenable prosecution. The trial courts also should exercise great caution and circumspection and should not adopt a play it safe syndrome by mechanically framing charges, even if the investigating agencies in a given case have shown utter disregard for the ingredients of Section 306."*

9. This Court has to see as to whether in the facts of the present case, is there anything to indicate even *prima facie* that the accused intended the consequences of the act i.e. suicide. Considering the nature of offence and acquisitions and considering the allegation in the FIR and suicide note, there is no proof of direct or indirect acts

of incitement to commit suicide. Merely, there are allegations of harassment of meting out mental cruelty without alleging any positive action proximately is connected at the time of occurrence on the part of the accused persons which compelled the deceased to commit suicide would not fall within the four corners of Section 306 read with Section 107 of the IPC. There is no any instigation nor any conspiracy nor there any intentional aim nor any willful misrepresentation or concealment of the material facts which come into the four corners of abetment. Nor is the case of the complainant that the applicants herein have to play any part or any role in the conspiracy which ultimately instigated or resulted into commission of suicide by the deceased. The factum of *mens rea* is also absent. That, there are omnibus allegations without any specific incidents with regards to the mental cruelty been meted out. Even from the reading of the statements of the witnesses relied by the learned Additional Public Prosecutor for the State, assuming for the moments that the accused had given pressure regards to work or had humiliated at some instances with regards of the nature of work not carried out properly, it cannot be said that the acts of the applicants attract provisions of Section 306 read with Section 107 of the IPC. There is no compliant qua the applicants with regards to the work to any of the higher-ups whether in writing or oral other then the present complaint till date. Thus, being a hyper sensitive the employee committed suicide, the same would not falls to the offence attracting Section 306 read with Section 107 of the IPC, coupled

with the facts that the parties have anemically settled. More particularly, except referring the names of the present applicants, no allegation of instigation except the allegation stated in suicide note surfacing on record, and having found that the applicants have not played any active part or role which ultimately instigated or resulted in commission of suicide.

10. Under the circumstances, this Court is of the view that the application deserves to allow and the same is allowed accordingly. The impugned FIR being C.R. No I-96 of 2019 lodged before the Chhotaudapur Police Station, and the consequential proceedings arising out of the said FIR, are quashed and set aside.

11. Rule is made absolute. Direct service is permitted.

(P. M. RAVAL, J)

NITIN MAKWANA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NITIN INDRAVADAN MAKWANA(HCW0110), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 15/06/2026 17:58:22