

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

2026-PHHC-063381



CRM-M-18543-2023(O&M)

Reserved on: 21.04.2026

Pronounced and uploaded on: 24.04.2026

Asha Soni @ Asha Rani and Anr

... Petitioners

versus

State of Haryana and Another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY.

Present: Mr. Satyam Khichi, Advocate for
Mr. P.K. Ganga, Advocate for the
petitioners.

Mr. Amrik Narwal, DAG, Haryana.

None for respondent No.2.

AMAN CHAUDHARY, J.

1. The inherent powers of this Court under Section 482 of CrPC have been invoked by the petitioners for quashing FIR No. 359 dated 08.05.2022, under Sections 306, 506 and 34 IPC, registered at Police Station City Sirsa, District Sirsa.

2. Learned counsel submits that the petitioners, senior citizens, had monetary dealings with the deceased, a goldsmith, who was also the maternal cousin brother of petitioner No.2. He had taken various loans from many other persons, including the petitioners, as is reflected in Annexure P-7. He stood convicted in the proceedings under Section 138 of the N.I. Act for which reference is made to Annexure P-2. In the suicide note, two other persons were named with similar allegations, but however, they were kept in column No.2 on account of an affidavit filed by the complainant that they had money transactions with his father

and has no objection if their names were deleted.

3. Learned State counsel submits that the investigation was duly conducted in the present case, wherein the allegations levelled against the petitioners were found to have substance, based on which the final report was presented against them, however, the other two accused, were put in column No.2. Thus, he prays for dismissal of the present petition.

4. Heard.

5. It would be apposite to refer to Section 306 IPC, which reads thus:

“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.”

6. A bare reading of the provision, makes it clear that to constitute an offence under Section 306 IPC, the prosecution has to establish that firstly, a person committed suicide, secondly such suicide was abetted by the accused. The parameters of "abetment" have been stated in Section 107 IPC, which defines abetment of a thing as follows:

“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.”

7. Above, when read together leave no room for doubt that under all the three situations, direct involvement of the person or persons concerned in the commission of offence of suicide is essential to bring home the offence under Section 306 IPC.

8. There is conspicuous absence of proximate or live nexus between the alleged threats and the subsequent suicide. The material on record does not indicate that any act of instigation, or unlawful omission or commission by the petitioners was the decisive factor that drove the deceased to take such a step. In the absence of any immediate or direct provocation preceding the incident, the essential element of *mens rea* remains unsubstantiated, and the case does not fall within the scope of Section 107 IPC. Furthermore, no affirmative conduct attributable to the petitioners is identifiable that would amount to aiding or encouraging the act, thereby excluding the applicability of Section 306 IPC and as held in **Dhirubhai Nanjibhai Patel Lotwala vs. State of Gujarat and another**, SLP (Crl.) No. 4644-2025, decided on 10.03.2026, wherein also a debtor had committed suicide, whilst naming the appellant-one of the creditors, alleged to have even extended death threats to him, the criminal proceedings qua him were set aside, by observing thus:

“13. What is evident from the charge-sheet submitted by the investigating agency is that the deceased had borrowed money from multiple accused. Insofar as the present appellant is concerned, it appears the deceased initially borrowed Rs. 4 lacs and in lieu thereof, issued a cheque drawn on State Bank of India. Later, Rs. 6 lacs were also lent. The only basis on which the charge-sheet has been laid against the accused is the suicide note coupled with the call detail records which indicate that 40 phone calls were made by the appellant to the deceased in last six months. As far as the suicide note is concerned, we find that it lacks material particulars regarding the nature of those threats and the time and place when those threats were extended. Moreover, the suicide note indicts as many as 9 accused without specifying the role of any one of them. It is not the case of the prosecution that all accused belong to one family or were harassing the deceased as a group. Further, the deceased has painted all creditors with one brush. Therefore, a trial based on such a suicide note would be a futile exercise. Besides, if a creditor makes a phone call to the debtor for return of his money that being a lawful act, it cannot on its own constitute a ground to prosecute the creditor. Moreover, the deceased may have committed suicide on account of depression for not being able to clear of the debt.

14. In such circumstances, particularly when there is no

material to indicate that the deceased was beaten or physically assaulted to return the dues, we are of the view that there is hardly any material on basis whereof it could be inferred that the appellant by demanding his dues abetted commission of suicide by the deceased. In our view, therefore, the continuance of the proceedings against the appellant would be a futile exercise and would amount to abuse of the process of the Court. Hence, to secure the ends of justice, it is necessary that the same be quashed.”

9. The test to be applied by a Court for deciding whether it is expedient and in the interest of justice to permit a prosecution to continue, is by taking into consideration any special features which appear in a particular case that the uncontroverted allegations prima facie establish the offence and in the opinion of the Court chances of conviction are weak and no useful purpose is likely to be served by allowing the criminal prosecution to be continued, the Court can quash the proceedings, were the observations of Hon’ble the Supreme Court in the case of **Madhavrao Jiwaji Rao Scindia vs. Sambhajirao Chandraojirao Angre**, 1988 (1) RCR 565.

10. As a sequel to the above discussion, the present petition is allowed, FIR No.359 dated 08.05.2022 and consequential proceedings arising therefrom are hereby quashed.

11. Pending applications, if any, stand disposed of accordingly.

24.04.2026
parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No