



2026:AHC:72954

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 6530 of 2024

Reserved on 09.02.2026

Delivered on 06.04.2026

Megha Khatri And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Swati Agrawal Srivastava

Counsel for Opposite Party(s) : Anil Kumar Shukla, G.A., Sudarshan Singh

With

APPLICATION U/S 482 No. - 6991 of 2024

Karnail Singh Khatri And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Swati Agrawal Srivastava

Counsel for Opposite Party(s) : Anil Kumar Shukla, G.A., Sudarshan Singh

Court No. - 66

HON'BLE SAMEER JAIN, J.

1. As both the matters are connected and arise out of same FIR, therefore, both the applications are being disposed off by common order.

2. Heard Ms. Swati Agrawal Srivastava, learned counsel for applicants, Sri Anurag Pandey, learned Advocate holding brief of Sri Sudarshan Singh, learned counsel for informant (opposite party no.2) and Sri Rajeev Dhar Dwivedi, learned A.G.A. for the State.

3. The instant applications have been filed by the applicants with a prayer to

quash the proceedings of Criminal Case No. 15022 of 2023 and Criminal Case No. 1021 of 2024 and charge-sheets dated 20.11.2023 and 07.01.2024 arising out of Case Crime No. 438 of 2022, under Section 306 IPC, Police Station Sadar Bazar, District Saharanpur pending in the court of Chief Judicial Magistrate, Saharanpur.

Brief facts of the case:-

4. FIR of the present case was lodged on 08.08.2022 against the applicants for offence punishable under Section 306 IPC. According to the FIR marriage of applicant no.1 Megha Khatri (Applicant No.1 of Application U/S 482 No. 6530 of 2024) was solemnized with the son of informant i.e. opposite party no.2 and after marriage Megha Khatri (Applicant No.1 of Application U/S 482 No. 6530 of 2024) started pressurizing the son of informant i.e. O.P. No.2 to take his share in the ancestral property and when his son refused for the same then she along with other applicants, who were her close relatives, firstly pressurized him and thereafter lodged false cases against him due to which son of informant had to quit his job and for last several years his son was under distress due to court cases and on 15.07.2022 he committed suicide by causing firearm injury to himself.

5. After registration of FIR, investigation was started and Investigating Officer during investigation found that applicants were responsible for the death of the deceased as due to their abetment he committed suicide and therefore after investigation charge-sheet was filed against them under Section 306 IPC. After submission of the charge-sheet court concerned took the cognizance and issued summons to the applicants. Hence the instant applications.

Arguments advanced on behalf of applicants:-

6. Learned counsel for applicants submits, applicants are innocent and on the basis of false allegation they have been made accused in the present matter. She next submits, Megha Khatri (applicant no.1 of Application U/S 482 No. 6530 of 2024) is the wife of the deceased and rest of applicants are her family members.

7. She next submits, however, as per allegation, due to abetment of applicants deceased i.e. son of opposite party no.2 committed suicide by causing firearm injury to himself but there is no cogent evidence on record

which can suggest that due to abetment of applicants he committed suicide.

8. She further submits, however, as per prosecution, as applicants lodged several cases against deceased, therefore, he committed suicide and even from the suicide note of the deceased which was procured by the Investigating Officer during investigation which has been annexed along with instant applications it reflects, due to the court cases he committed suicide but even if the allegations are accepted then also it cannot be said that due to the abatement of applicants deceased committed suicide.

9. She further submits, if husband of a lady due to the court cases lodged against him by his wife committed suicide then it cannot be said that due to abetment of his wife and her family members, he committed suicide. She next submits, to attract offence under Section 306 IPC it is necessary that the instigation of accused persons would be of such a nature which left no option before the deceased except to commit suicide but from the material available on record it cannot be said that except suicide there was no option was left before the deceased, therefore, prima facie offence under Section 306 IPC is not made out against the applicants.

10. She next submits, as deceased used to harass his wife i.e. applicant Megha Khatri, therefore, she lodged cases against him and even deceased was continuously attending the court and if during pendency of the cases he committed suicide due to the difficulty faced by him then neither his wife nor her family members can be held liable for his death.

11. She next submits, Investigating Officer failed to properly conduct the investigation and in routine manner submitted charge-sheet and even court concerned in routine manner took the cognizance and issued summons and therefore, charge-sheet filed against applicants and proceeding pending against them are bad and are liable to be quashed.

Arguments advanced on behalf of State and opposite party no.2:-

12. Per contra, learned AGA as well as learned counsel for opposite party no.2 opposed the prayer and submit, applicant Megha Khatri is the wife of the deceased and other applicants are her family members and they harassed the deceased in such a manner that he left no other option except to commit suicide, therefore, it cannot be said that prima facie offence under Section 306 IPC is not made out against the applicants.

13. They further submit, even from the suicide note of the deceased it reflects, due to the torture of the applicants, he was in great distress and he was very much disturbed as for several years he was facing false cases lodged by applicants, therefore, under compelling circumstances he had to commit suicide.

14. They further submit, after investigation Investigating Officer rightly submitted charge-sheet against applicants and court concerned rightly took cognizance and issued summons to them and therefore both the applications filed by the applicants are devoid of merits and are liable to be dismissed.

Analysis:-

15. I have heard both the parties and perused the record of the case.

16. By way of the instant applications applicants made prayer to quash the charge-sheet filed against them and proceeding pending against them. The law is settled that if from the entire material collected by the Investigating Officer during investigation alleged offence is not made out against the accused then charge-sheet filed against him and proceeding pending against him can be quashed. (See: **R.P. Kapur Vs. State of Punjab AIR 1960 SC 866, State of Haryana Vs. Bhajan Lal 1992 SCC (Cr.) 426 and M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others AIR (2021) SC 1918**).

17. In the instant matter, charge-sheet has been filed against applicants for offence under Section 306 IPC, therefore, it is to analyze whether material available on record prima facie discloses offence under Section 306 IPC or not.

18. Applicant Megha Khatri is the wife of the deceased and rest of applicants are her close family members. According to the prosecution, applicants harassed the deceased and they lodged false cases against him and for last several years he was running in courts and therefore he was under great distress and tension and due to this reason he committed suicide.

19. Record also suggests that during investigation, Investigating Officer also procured a suicide note of the deceased which is also part of the case diary and details of suicide note has been noted by the Investigating Officer in the case diary which has been annexed along with both the applications and from the suicide note it reflects, after marriage matrimonial issues arose

between deceased and applicant Megha Khatri i.e. his wife and due to matrimonial discord she lodged cases against him and for last two years deceased was continuously attending the Court but due to non cooperation of the applicants cases could not be proceeded any further and due to the conduct of applicants and pending court cases he was in great tension and therefore he committed suicide.

20. As per Section 306 IPC if any person committed suicide then whoever abet the commission of such suicide shall be guilty of abetment of suicide, therefore, abetment to commit suicide is the essential ingredient for offence under Section 306 IPC.

21. Abetment has been defined under Section 107 IPC which read as:-

"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."

22. Therefore, to constitute an offence under Section 306 IPC abetment is necessary and for abetment instigation is necessary. The Apex Court in the case of **Ramesh Kumar Vs State of Chhattisgarh (2001) 9 SCC 618** defined the instigation. The Apex Court after relying on the judgment of Ramesh Kumar (supra) in case of **Laxmi Das Vs. State of West Bengal and others 2025 SCC OnLine SC 120** observed in paragraph-20 as:-

"20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."

23. Therefore, from the observation made by the Apex Court it is apparent that to attract Section 306 IPC the alleged suicide committed by the deceased

must be in consequence of instigation of the accused.

24. In case at hand, however from the record it reflects, deceased was facing cases lodged by the applicants who was his wife and her family members and their matrimonial relationship was not cordial but in view of this Court if due to this reason he committed suicide then it cannot be said that due to the abetment of applicants he committed suicide as prima facie it cannot be said that suicide committed by the deceased was in consequence of cases lodged by the applicants.

25. Further, even from the record it could not be reflected, applicants were having any mens rea to abet the deceased to commit suicide as in view of this Court merely by lodging cases even false cases it cannot be said that applicants were having mens rea to abet the deceased to commit suicide.

26. Further, even if due to the false cases lodged by applicants side deceased was under distress then also it cannot be said that he was not having any other option except to commit suicide, therefore, from this point of view also prima facie offence under Section 306 IPC is not made out against applicants. [See:- **Amalendu Pal Vs. State of West Bengal (2010) 1 SCC 707**].

27. Further, the Apex Court in the case of **Kamaruddin Dastagir Sanadi Vs. State of Karnataka through SHO Kakati Police 2024 SCC OnLine SC 3541** held that discord and differences in domestic life are quite common in society and commission of suicide depends on mental status of the victim unless and until some guilty intention on the part of the accused is apparent, it is not possible to show, accused committed offence punishable under Section 306 IPC.

28. In case at hand, there is no material available on record which can show the guilty intention of applicants and therefore, it cannot be said that applicants are prima facie responsible for the death of the deceased and they have committed offence under Section 306 IPC.

29. Therefore, considering the facts and circumstances of the case discussed above, in considered view of this Court, from the material available on record prima facie offence under Section 306 IPC is not made out against applicants, therefore, charge-sheet filed against applicants and proceedings pending against them are bad and charge-sheet filed against them and

proceeding pending against them are liable to be quashed.

30. Accordingly, charge-sheet filed against applicants in the instant matter and proceedings pending against them are hereby quashed. Both the applications are allowed.

April 6, 2026
AK Pandey

(Sameer Jain,J.)

Lawchakra.in