



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Sr. No.207

Date of Decision: 30.04.2025

1) CRM-M-23449-2024 (O&M)

Hardial Singh Kamboj and another .... Petitioners

Versus

State of Punjab and another ... Respondents

2) CRM-M-29141-2024

Bhupinder Kapoor and another .... Petitioners

Versus

State of Punjab and another ... Respondents

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Vijay Kumar Jindal, Senior Advocate, with  
Mr. Akshay Jindal, Advocate,  
Mr. Abhishek Shukla, Advocate, and  
Mr. Vijayveer Singh, Advocate,  
for the petitioners in CRM-M-23449-2024.

Mr. Abhinav Oberoi, Advocate,  
for the petitioners in CRM-M-29141-2024.

Mr. Gurpartap Singh Bhullar,  
Assistant Advocate General, Punjab.

Mr. Ravi Gakhar, Advocate, for respondent no.2/complainant.

**TRIBHUVAN DAHIYA, J. (ORAL)**

These petitions are being decided together since the same have been filed for quashing of FIR No.265 dated 11.11.2022, registered under Section 306 IPC, at Police Station City Rajpura, District Patiala, *qua* the petitioners/accused.



2. The FIR was registered on a statement of Anita Sharma regarding the suicide committed by her husband/deceased Ramesh Sharma, wherein allegations were levelled against the petitioners/accused Hardial Singh Kamboj (Ex-MLA), his son Nirbhai Singh *alias* Milty Kamboj, Bhupinder Kapoor and Lovekesh Kapoor. Briefly, the allegations are that the deceased was earlier running a shop of Spirit; its licence was got cancelled at the instance of petitioner/Hardial Singh Kamboj, and the shop was encroached upon by Sanjeev Kumar, etc. It has also been alleged that her husband was running a *dhaba* (eating house) with his nephew Manish Sharma under the name 'Kapil Dhaba', near Scholar School, Bye pass Rajpura. Milty Kamboj used to threaten and intimidate the deceased and his nephew by demanding money, and due to these compelling circumstances they had to shut down the *dhaba*. Thereafter, the deceased started remaining perturbed due to unemployment and used to tell the complainant that Hardial Singh Kamboj and his son Milty Kamboj, Sanjeev Garg, Bhupinder Kapoor, Lovekesh Kapoor and Avtar Singh had compelled him to commit suicide. On 10.11.2022, the deceased was disturbed and told her that the aforesaid persons had harassed him too much and he did not want to live. In the morning of 11.11.2022 at around 5.00 a.m., the deceased had gone out and did not return till 7.00 a.m. Therefore, the complainant along with her nephew Manish Sharma went out looking for him. It was at that time Manish saw a video clip in his mobile phone in which the deceased was saying that he was committing suicide. Manish received a phone call from some number that dead body of the deceased was lying in the Shivaji Park. On reaching there, she found that her husband had committed suicide by consuming salphaz tablets; its box was lying at the spot.

2.1. The video clip of the deceased referred to in the FIR had the following contents, as reproduced in para 4 of the petition:



“I Ramesh Sharma son of late Sh. Bachan Lal Rohit am a resident of Shiv Mandi, Mahinderganj, Rajpura. Hariyal Singh Kamboj got encroached upon my shop 40 months ago and made me unemployed. His son Milty Kamboj got closed our running dhaba due to non giving of Rs.30,000/- per month to him. I have to take Rs.5.25 lakhs from Sanjiv Garg which I have given as loan. Avtar Singh is a fake freedom fighter. Lovekesh Kapoor, who is a matriculate has become a dental surgeon and his brother who is a shopkeeper and news reporter and after doing law from Ganganagar is blackmailing me. I had made complaint and now they in collusion with each other and in order to harass me have filed a number of cases against me and after harassing me and my family have compelled me to commit suicide. I am going to commit suicide being harassed by them. I request all my relatives and press reporters that till such time a case is not registered against them for compelling me to commit suicide, I may not be cremated. I have written a suicide note also regarding all of them so that it may come to you at the hour of need. I am saying all this with heavy heart.”

2.2. Investigation of the case was carried out and final report/challan, Annexure P-17, under Section 173 Cr.P.C. was presented on 27.01.2024, against the petitioners under Section 306 IPC. The challan initially mentions the contents of the FIR/complainant’s statement, as well as the suicide note. It also refers to expert’s report from Forensic Science Laboratory (FSL), Mohali, regarding handwriting on the suicide note as well as the signatures, which were found to be that of the deceased. It further mentions about post-mortem examination, dated 11.11.2022, conducted by a Board of Medical Officers, at Civil Hospital, Rajpura. After receiving viscera report from FSL, Mohali, Medical Officer’s opinion was obtained regarding cause of death, and it came to light that “the cause of death was due to Aluminium Phosphide, which is enough in the course of nature to cause death”.



3. In this factual background, learned senior counsel for the petitioners contends that there has to be a proximate link between the abetment and the commission of suicide to fulfill the ingredients of Section 306 IPC. The allegations in the FIR together with the final report do not establish any such linkage between the petitioners and the deceased. Contents of the FIR as well as the suicide note, which are on the same lines, indicate that deceased had grouse against the petitioners as they allegedly encroached upon his shop about forty months ago, which made him unemployed. His *dhaba* had also to be shut down due to threat extended by the accused. The material collected by the investigating agency is insufficient to establish any nexus between the alleged accused/petitioners and the suicide. These allegations do not, in any manner, indicate that the petitioners have abetted the suicide. In support of the contentions learned senior counsel has relied upon the Supreme Court judgment in *R. Shashirekha v. State of Karnataka and others*, 2025 SCC Online SC 671.

4. Learned State counsel, on the contrary, contends that there are specific allegations against the petitioners which establish that the offence alleged against them is made out. The material collected during the investigation which forms part of the final report confirms the fact. He further submits that the deceased's handwriting on the suicide note has been established, as also the cause of death which is sufficient to send the petitioners to trial.

5. Learned counsel for the complainant contends that there are serious allegations against the petitioners, and their proximate linkage to the suicide is a matter of trial. At this stage, the proceedings cannot be set aside only by taking the FIR and the final report into consideration. Even otherwise, the material brought on record by way of forensic evidence as



well as statement of the witnesses, is sufficient to establish ingredients of the alleged offence against the petitioners.

6. Submissions made by learned counsel for the parties have been considered.

7. The petitioners are accused of offences under Section 306 IPC. To constitute the offence, it is essential to establish proximate instigation by the accused to force the deceased to commit suicide, as also the *mens rea* to instigate. In this regard, it is apt to refer to the following observations of the Supreme Court in *Mohit Singhal and another v. State of Uttarakhand and others*, (2024) 1 SCC 417:

10. In the facts of the case, Secondly and Thirdly in Section 107, will have no application. Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have *mens rea* to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.

7.1. A perusal of the allegations in the FIR, as well as contents of the video prepared by the deceased, makes it apparent that there is no material to even *prima facie* establish close proximity or nexus between the alleged acts of instigation by the petitioners and the suicide committed. All the alleged actions on their part, due to which the deceased remained disturbed and committed suicide, had statedly been committed much prior in time from the date of suicide, i.e., 11.11.2022. It is not even the allegation that the commission of crime was soon after the petitioners' instigation. Also, there is no material to establish even *prima facie* that they had the intention to abet



commission of the suicide. Merely because the deceased nursed a grudge against the petitioners or felt perturbed on account of their alleged acts done months prior to the day of suicide, it cannot be termed an instigation to commit the suicide. Much less would the acts have driven him to such a position that he had no other choice but to commit suicide. The investigation carried out could also not bring out any evidence against the petitioners to establish ingredients of the alleged offence against them. The challan/final report only contains details of the complainant's statement, suicide note, expert's report, post-mortem report, etc. The same only establish that the suicide note was written by the deceased and cause of his death was consumption of Aluminium Phosphide. This, however, does not establish any linkage between the petitioners or the acts said to have been committed by them and the commission of suicide. Resultantly, the allegations even if taken to be true, do not constitute any of the ingredients of the offence alleged against the petitioners, and their prosecution will be an abuse of the process of law.

8. In somewhat similar circumstances, the Supreme Court in *R. Shashirekha* case (*supra*) quashed the FIR by referring to the following observations made in *Prakash and others v. State of Maharashtra and another*, 2024 SCC Online SC 3835:

31. In the case of Sanju @ Sanjay Singh Sengar (*supra*), this Court, under similar circumstances, had quashed the chargesheet under Section 306 of the IPC against the accused-appellant. A factor that had weighed with the Court in the said case was that there was a time gap of 48 hours being the alleged instigation and the commission of suicide. This Court held that the deceased was a victim of his own conduct, unconnected with the quarrel that had ensued between him and the appellant, 48 hours prior to the commission of his suicide.



32. In the case at hand, taking the allegations in the FIR at face value, the incident at the mahalokadalat had occurred on 17th February 2015, while the deceased had committed suicide on 20<sup>th</sup> March 2015. There is a clear gap of over a month between the incident at the mahalokadalat and the commission of suicide. We therefore find that the courts below have erroneously accepted the prosecution story that the act of suicide by the deceased was a direct result of the words uttered by the appellants at the mahalokadalat.

33. xxx xxx

34. ... The cardinal principle of the subject-matter at hand is that there must be a close proximity between the positive act of instigation by the accused person and the commission of suicide by the victim. The close proximity should be such as to create a clear nexus between the act of instigation and the act of suicide. As was held in the case of Sanju @ Sanjay Singh Sengar (supra), if the deceased had taken the words of the appellants seriously, a time gap between the two incidents would have given enough time to the deceased to think over and reflect on the matter. As such, a gap of over a month would be sufficient time to dissolve the nexus or the proximate link between the two acts.

9. In view of the discussion, the petitions are allowed. The FIR No.265 dated 11.11.2022, registered under Section 306 IPC, at Police Station City Rajpura, District Patiala, and all subsequent proceedings arising therefrom are quashed *qua* the petitioners.

10. A photocopy of this order be placed on the connected file.

(TRIBHUVAN DAHIYA)  
JUDGE

30.04.2025  
Maninder

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No