



S. No.112

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-26770 of 2025  
Reserved on:11.08.2025  
Pronounced on: 09.10.2025

**Renika Mittal and others**

.....Petitioners

Vs.

**State of Punjab**

.....Respondent

**CORAM:-HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Argued By:-Dr. Surya Parkash, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

Mr. Samay Sandhwalia, Advocate for the complainant.

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**Yashvir Singh Rathor, J.**

1. This is a petition filed under Section 528 of BNSS, 2023 for quashing of FIR No.280 dated 13.10.2022 registered under Section 306/511 IPC (Section 511 IPC lateron deleted) at Police Station City-I, Abohar, District Fazilka, Punjab.
2. The present case was registered on the basis of statement given to the Police by Sahib Singh son of Kewal Krishan, resident of near Gurudwara Bhora Sahib, Mohalla Surgapuri, District Faridkot, aged 39 years with the allegations that he owns one mobile shop by the name of "*Mahadurga Telecom*". Due to dispute with his wife, today i.e. on 12.10.2022, he along with his wife Manika was present before Mediation Centre, Abohar. He made a request to take his wife and children along with him to his house but his wife did not agree to accompany him. The family of his in-laws i.e. his wife, mother-in-law - Sumitra Devi, father-in-law – Satnarain, brother-in-law – Ashish Goyal @ Ashu Goyal and his elder sister-in-law – Renika (daughter of Satnarain) were not agreeing to send his wife and children namely Gitesh Malik aged 12 years and Hitesh Malik aged 7 years with him. He has great love and affection for his wife and children but the in-laws did



not allow his family to settle by sending his wife and children with him and the family of his in-laws often harasses him. Due to this harassment, today at 01:15 PM, he has tried to commit suicide by setting himself on fire and his complete in-laws family is responsible for this occurrence.

3. The afore-said statement was recorded by ASI Sukhwinder Singh, Police Station City-I, Abohar at Cosmo Super Speciality Hospital Bathinda where the injured was admitted on account of burn injuries after seeking opinion from the doctor regarding the fitness of the injured to make statement and the statement was thumb marked by said injured/victim. On the basis of this information, ruqa was sent to the Police Station and formal FIR under Section 306/511 IPC was registered. During the treatment, said injured namely Sahib Singh died on 19.10.2022 and thereafter, offence under Section 511 IPC was deleted. Accused were arrested. Post-mortem of the dead body of deceased was got conducted. During investigation, one suicide note alleged to have been written on 28.03.2022 i.e. about six and a half months prior to the incident was also taken into possession which is reproduced as under:-

“I am Sahib Singh Malik son of Kewal Krishan Malik, resident of Surgapuri near Gurudwara Bhora Sahib, Kotkapura, District Faridkot, do hereby state that: To exact revenge upon me, my in-laws’ family, including Ashish Goel (Ashu), my Mother-in-law (Sumitra Devi) and my Sister-in-law (Renika) all as per conspiracy, lured and misled my wife Menka Malik and my children Gitesh Malik and Hitesh and taken them into their custody. My marriage was lasted for approximately 13 years. These individuals have played a direct and



complete role in destroying my family. Minor quarrels occur in every house, but these people have collectively made life intolerable for me. You may verify from the market CCTV cameras that on 25/03/2022, we went out shopping – both husband and wife were leading a good life together. On 24/03/2022, my Father-in-law took away my children. On 26/03/2022, my Brother-in-law, in my absence and without any quarrel, came in the afternoon and took my wife away, and in doing so, they also took Cash amounting to approximately Rs.1.25 lakhs, all the jewellery, all the clothes. Even the Activa scooter from the house. They clearly said that will not return anymore.

If I had made any mistake, they should have told me – there is a solution to everything in this world. What kind of crime have I committed that, after living together for 13 years, now suddenly, after having children these issues have come to light? I am not even being allowed to speak to my wife and my children.

I cannot live without my family. Therefore, I am going to end my life. The people responsible for my death are my brother-in-law Ashish Goel, my mother-in-law Sumitra Devi, and my Sister-in-law, Renika. They should be given the death penalty. Only then will my soul find place.

Sd/-  
Sahib Singh”

4. Statements of witnesses were recorded and after completion of investigation, challan was presented.



5. Learned counsel for the petitioner argued that the petitioners have been falsely implicated and false allegations have been levelled in the FIR. In fact, it was a love marriage and both the parties belong to different castes. Deceased was an addict and used to consume drugs and alcohol and used to beat his wife and children and he often used to extend threats that he will commit suicide, in order to implicate the family of the in-laws. Learned counsel further contended that on many occasions, the wife was constrained to leave the matrimonial home and she used to reside with her parents but on his insistence, she used to return to the matrimonial home along with the children but the behaviour of the deceased-husband did not improve. Even a Panchayat was convened wherein he had given written assurance that he will not beat his wife and will not consume intoxicants and will not demand dowry. Learned counsel next contended that due to constant threats by the deceased that he will commit suicide and will implicate the entire family of his wife, wife (petitioner No.3) was not left with any option and she filed a petition under Section 12 of the Protection of Women from Domestic Violence, Act on 05.04.2022, a petition under Section 125 Cr.P.C and complaint under Sections 406, 498-A IPC. The case was adjourned to 12.10.2022 for mediation, after both the parties agreed to appear before Mediator. Learned counsel next contended that they were to appear before Mediator at 11:30 a.m. but before coming for mediation, deceased made a video recording of his statement and threatened to commit suicide and to implicate the wife and her entire family and earlier also, he had been using the same tactics. After both the parties appeared before the Mediator, the wife did not agree to accompany him as he was threatening to commit suicide and she was also afraid



that he may kill her and the children and thereafter, deceased left the Mediation Centre while threatening to commit suicide or to kill the wife and her family members on which the Mediator also intervened and suggested to the wife to file a complaint before the police. Learned counsel next contended that on the advice of the Mediator, wife rushed to the Police Station and informed the police regarding the threats extended by the husband on 12.10.2022 itself at 12:15 PM but before the police could trace him, he set himself on fire and on his statement, the present FIR was registered. Learned counsel contended that the present FIR is nothing but an abuse of the process of law. No offence under Section 306 IPC is made out from the allegations levelled in the FIR as no inducement was caused by the petitioners so as to compel the deceased to commit suicide. The deceased took this extreme step after the mediation failed and he set himself on fire in a fit of rage and that too, after extending threats that he will commit suicide and will implicate the entire family of the wife.

6. Learned counsel next contended that the wife had a valid reason not to live in the company of the deceased as she was being maltreated and her refusal to live in the company of deceased cannot be termed as an act which could instigate the deceased to commit suicide. In case he was aggrieved, he could have taken recourse to law either by seeking dissolution of marriage or by seeking restitution of conjugal rights instead of taking such an extreme step of committing suicide. From the allegations levelled in the FIR, no mens-rea on the part of the accused is prima-facie established which could constitute instigation or an act to abet the commission of suicide and suicide was in fact committed in a fit of rage after extending threats to commit suicide and no offence under Section 306 IPC is



made out much less a prima-facie case and learned counsel prayed that the FIR in question and the consequential proceedings be quashed.

7. On the other hand, learned State Counsel assisted by learned counsel for complainant argued that petitioner, namely, Manika, who is wife of the deceased had refused to live in the company of the deceased without any sufficient cause and was regularly residing separately from him along with the children and false allegations of harassment and cruelty were levelled against him and deceased was being harassed constantly by the petitioners which instigated him to commit suicide. Learned counsel next contended that offence under Section 306 IPC is prima-facie made out and the accused have abetted the commission of suicide by playing an active role by constant acts of instigation or by doing certain acts to facilitate the commission of suicide and learned counsel prayed that petition in hand be dismissed.

8. After hearing learned counsel for the parties and on going through the material on file, I am of the considered opinion that the petition in hand deserve to be accepted for the reasons discussed hereinafter.

9. Hon'ble Supreme Court in 1992 AIR (SC) 604, **State of Haryana and others Vs. Ch. Bhajan Lal and others**, has laid down the various parametres under which the Court in exercise of its inherent powers under Section 482 of the Code of Criminal Procedure can quash the FIR and consequential proceedings which are reproduced as under:-

“(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in



their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

10. A perusal of the afore-said law laid down by the Hon'ble Supreme Court makes it clear that the FIR can be quashed along with consequential proceedings if no prima-facie offence is made out from the allegations levelled in the FIR even if they are taken to be true at their face value or if the allegations in the FIR and material collected during investigation do not disclose commission of any offence and make out a case against the accused. As such, the allegations in the present FIR and the material annexed with the petition thus have to be perused to find out whether the same disclose a prima-facie case under Section 306 IPC against the petitioners or not.

11. At the very outset, it is pertinent to mention that the suicide note Annexure P-4 recovered by the Police was written on 28.03.2022 i.e. about six and a half months prior to the incident and same was thus not proximate to the date of commission of suicide and suicide note thus cannot be taken into



consideration and only the allegations levelled in the FIR by the deceased prior to his death have to be looked into to come to the conclusion whether offence under Section 306 IPC is made out or not. In the FIR, it has been alleged by the deceased that he had a marital discord with his wife, namely, Manika and the Court had directed them to appear before Mediation Centre for resolution of their disputes. On 12.10.2022, he along with his wife Manika was present before Mediation Centre, Abohar and he offered to take back his wife and children along with him to his home but his wife Manika did not agree to accompany him. The family members of his wife, namely, his mother-in-law Sumitra Devi, father-in-law Sat Narain, brother-in-law, Anish Goyal alias Ashish Goyal and his elder sister-in-law Renika also did not agree to send Manika and his children along with him. He alleged that he has great love and affection for his wife and children but his in-laws are not allowing his family to settle with him by sending his wife and children and the family often harasses him. Due to this harassment, today at 01:15 PM, he has tried to commit suicide by setting himself on fire and the entire family of his in-laws is responsible for the said occurrence. In this manner, it is an admitted fact that the wife of deceased, namely, Manika had left his company and had started residing with her parents along with her children. She had also instituted a petition under Domestic Violence Act, a petition under Section 125 Cr.P.C and complaint under Section 406 and 498 IPC against the deceased and they had appeared before Mediation Centre but the dispute could not be resolved and wife had refused to accompany her husband/ deceased to the matrimonial home and even on the date fixed for mediation, deceased had sent a video message in which he had threatened to commit suicide. Even before the Mediator,



he left the Mediation Centre while extending threat to commit suicide and on the advice of the Mediator, wife immediately rushed to the Police Station and informed the Police regarding the threat extended by her husband vide Annexure A.11 that he will commit suicide but unfortunately, he could not be traced and he set himself ablaze before he could be traced and later on died on 19.10.2022.

12. The moot point to be decided is as to whether the act of the accused would constitute an offence under section 306 IPC or not. To get an answer to this question, we have to go through the meaning of the expression `abatement` defined under section 107 IPC and a reading of section 306 IPC which are re-produced below :

**“Section 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`.

**Section 107 : Abetment of a thing :**

A person abets in doing of a thing , who Firstly 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 “.

Thirdly : Intentionally aids, by any act or illegal omission, in doing of that thing.

13. From the above provision, it is clear that to constitute an offence under section 306 IPC, prosecution has to establish (1) that a person committed suicide and (2) that such suicide was abetted by the accused.

14. As per section 107 IPC, a person can be said to have abetted in doing of a thing (1) if he instigates any person to do that thing (2) if he engages with one or more other person or persons in any conspiracy for the doing of that thing, and



if an act or illegal omission takes place in pursuance of that conspiracy and in order to the doing of that thing (3) if he intentionally aids, by any act or illegal omission, the doing of that thing.

15. As per facts of the case, present case shall fall under the first clause of section 107 IPC as there is no allegation that accused in any manner intentionally aided or engaged with any person in conspiracy for the commission of suicide. Allegations to attract clause 'secondly' and 'thirdly' in section 107 IPC are, thus, totally missing in this case.

16. As per clause 'firstly' in section 107 IPC, a person can be said to have abetted in doing of a thing if he "instigates" any person to do that thing. But, when can a person be said to have 'instigated' another to do an act? The word 'Instigate' is not specifically defined in Indian Penal Code. As per Oxford Dictionary, 'instigate' means 'to goad' or urge forward, to provoke, incite, urge or encourage to do an act The word 'goad' means keep irritating or annoying somebody to do some thing or to make a person to move more quickly in a particular direction especially by pushing or forcing such person. The term 'Urge' means to advise or try hard to persuade somebody to do some thing or forcing such person to move more quickly in a particular direction especially by pushing or forcing such person. 'Urge forward' means in this context 'urge' a person 'forward' Thus a person who instigates another has 'to goad or urge' forward the latter with an intention to provoke, incite, urge or encourage doing of an act by the latter.

17. A close combined reading of the meaning of the word 'instigation' with the meaning of the terms 'goad' and 'urge' will reveal that 'instigation



involves two things. One is a physical act or omission, while the other is a mental act. The physical act or omission involved in the instigation is 'goadng or urging forward' another. Such physical act of goading can be committed also by any other willful conduct may be, by even an adamant silence. Thus, by words, deeds, willful omission or willful silence also, one can goad a person i.e. keep irritating or annoying a person until he reacts.

18. So also, the physical act of 'urging forward' or instigation' involves doing of an act by strongly advising, persuading to make a person to do something or by pushing or forcing a person in order to make him move more quickly in a forward direction. Thus, both the physical acts in goading or urging forward can be committed by doing some act either verbal or physical or even by a willful commission or conduct. To the same effect is the law laid down in (2001) 9 SCC 618 **Ramesh Kumar vs. State of Chhattisgarh**.

19. In (2010) 12 SCC 190 **S.S. Chheena vs. Vijay Kumar Mahajan**, Hon'ble Supreme Court explained the concept of abetment alongwith necessary ingredient for offence under Section 306 of IPC as under:

“25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide.”

20. In (2010) 1 SCC 707 **Amalendu Pal vs. State of W.B.**, Hon'ble Supreme Court explained the parameters of Section 306 in following words:



“12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.

13. In order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC.”

21. Apart from such physical act particularly omission, prosecution is also required to establish mensrea on the part of accused in order to constitute instigation and such a provocation has to be intentional and in this background, the allegations in the FIR have to be looked into to ascertain whether there was any instigation or act on the part of the accused which incited the deceased to commit suicide.

22. As already discussed above, petitioner No.3- Manika and deceased did not have cordial relations and they had appeared on 12.10.2022 before Mediator on the direction of the Court. On that day also, the dispute could not be resolved and petitioner- Manika refused to accompany him along with children as she feared for her life and deceased left the Mediation Centre in a fit of rage while extending threats to commit suicide which later on turned out to be true. In these circumstances, refusal of the wife to live in the company of the deceased- husband



cannot be termed as an act which could instigate the husband to commit suicide and in case she had refused to accompany him along with the children, he could have taken recourse to law either by seeking dissolution of marriage or by seeking restitution of conjugal rights or to seek custody of children instead of taking such an extreme step of committing suicide. From the allegations levelled in the FIR and the material collected by the Police, it is not prima-facie established that the accused had abetted the commission of suicide as there is no allegation that the accused had provoked, incited or induced the deceased to commit suicide. There is also no proximate link between the refusal of the wife to live in the company of the husband and commission of suicide and all the accused have also not played any active role or any positive or direct act to instigate or aid the deceased in committing the suicide. In these circumstances, no offence under Section 306 IPC, much less a prima-facie case is made out against any of the accused and FIR in question and consequential proceedings are nothing but an abuse of the process of law. Resultantly, the present petition is allowed and FIR No.280 dated 13.10.2022 registered under Section 306/511 IPC (Section 511 IPC lateron deleted) at Police Station City-I, Abohar, District Fazilka, Punjab along with all consequential proceedings arising therefrom, are quashed.

**(Yashvir Singh Rathor)**  
**Judge**

**October 9, 2025**  
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No