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MCRC-10367-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 23rd OF SEPTEMBER, 2026MISC. CRIMINAL CASE No. 10367 of 2026

CNR No.: MPHC010153302026

*RAM PRAKASH TIWARI AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Jagdish Prasad Singrol - Advocate for the petitioners.

Smt. Neetu Pashine - Panel Lawyer for the respondent/State.

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ORDER

The present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred by the applicants seeking quashment of FIR bearing Crime No.468/2025 registered at Police Station Amanganj, District Panna, for offences punishable under Section 107 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and all consequential proceedings arising therefrom. Copy of the FIR dated 23.08.2025 has been filed as Annexure A/1. As per office note dated 29.04.2026, notice has been served upon the respondent No.2.

2. As per the prosecution case, on 09.08.2025, Dr. Ashish Tiwari, BMO, CHC Amanganj, informed the police that Raj Shukla @ Abhinav Shukla, aged about 14 years, son of complainant Chandrabhan Shukla, had been brought to the hospital in a dead condition. Accordingly, Marg



No.60/2025 was registered and enquiry was conducted. During the Marg enquiry, a piece of paper stated to be a suicide note was allegedly recovered from the pocket of the deceased. Statements of his parents and other relatives were thereafter recorded and, on the basis thereof, the police formed an opinion that the deceased had committed suicide on account of harassment allegedly caused by the present applicants. Consequently, Crime No.468/2025 came to be registered. The applicants are stated to be the grandfather and maternal uncle of the deceased. The applicants have disputed the allegations and submitted that the deceased had committed suicide following a quarrel relating to expenses incurred during worship and that they have been falsely implicated.

3. Learned counsel for the applicants submits that even if the prosecution allegations are taken at their face value, the essential ingredients of abetment are conspicuously absent. It is submitted that the suicide note does not contain any specific allegation showing that the applicants instigated, provoked, incited or intentionally aided the deceased to commit suicide. Mere mention of the names of the applicants in a piece of paper recovered from the deceased cannot, by itself, constitute abetment. It is further submitted that there is no allegation of any specific overt act, no prior complaint regarding harassment and no material showing any proximate nexus between the alleged conduct of the applicants and the suicide. It is also submitted that the allegations of harassment contained in the statements of the family members are general in nature and cannot substitute the foundational requirement of instigation or intentional aid.



4. Learned counsel appearing for the State, on the other hand, has opposed the application and submitted that the deceased was a minor and that the suicide note as well as the statements recorded during the Marg enquiry constitute sufficient material for proceeding against the applicants. It is submitted that the veracity and evidentiary value of the suicide note and statements cannot be examined in proceedings under Section 528 of the BNSS and the matter ought to be left for trial.

5. Heard learned counsel for the parties and perused the record. The question which arises for consideration is whether the material referred to in the FIR and the prosecution case, even if accepted in its entirety, discloses the basic ingredients of abetment so as to justify continuation of criminal proceedings against the applicants. Section 107 of the BNS deals with abetment of suicide of a child or a person of unsound mind. Though the provision is attracted to the suicide of a child, the prosecution must still disclose the ingredients of abetment, namely, the requisite act of instigation, intentional aid or the other statutory ingredients of abetment. The fact that the deceased was a minor, by itself, cannot dispense with the requirement of establishing a legally cognizable act attributable to the accused.

6. The Hon'ble Supreme Court in **Ramesh Kumar v. State of Chhattisgarh**, (2001) 9 SCC 618, explained that “instigation” means to goad, urge forward, provoke, incite or encourage to do an act. In **Amalendu Pal @ Jhantu v. State of West Bengal**, (2010) 1 SCC 707, the Hon'ble Supreme Court held that there must be direct or indirect acts of incitement and that the accused must have played an active role either by an act of instigation or by



doing something to facilitate the commission of suicide. Likewise, in **M. Mohan v. State represented by the Deputy Superintendent of Police, (2011) 3 SCC 626**, it was reiterated that the offence of abetment of suicide requires a positive act of instigation or intentional aid having a proximate nexus with the suicide.

7. More recently, in **Mahendra Awase v. State of Madhya Pradesh, Criminal Appeal No.221 of 2025 (@ SLP (Crl.) No.11868 of 2023)**, decided on 17.01.2025, 2025 INSC 76, the Hon'ble Supreme Court reiterated that mere harassment or unpleasant conduct, without the requisite active role and intention to instigate or facilitate suicide, would not be sufficient to sustain an allegation of abetment. The Court specifically examined the prosecution material, including a suicide note, and found that the necessary ingredients of abetment were not established.

8. The principle has been reiterated in **Kiran Deshmukh v. State of Madhya Pradesh, Criminal Appeal Nos. arising out of SLP (Crl.) Nos.18722-18773 of 2025**, decided on 11.08.2026, 2026 INSC 884. In that case, while considering allegations under Section 108 read with Section 3(5) of the BNS, the Hon'ble Supreme Court held that a mere reference to the names of the accused in a suicide note, without anything further to substantiate the allegations, cannot furnish a legally sustainable basis to prima facie attribute the offence of abetment of suicide. The Court emphasized the requirement of material particulars and the requisite mensrea and active participation.

9. The aforesaid principle squarely applies to the facts of the present case. A perusal of the allegations placed before this Court shows that the



prosecution substantially relies upon the alleged suicide note and the subsequent statements of the family members. However, there is no specific act attributed to either applicant showing that he instigated, provoked, incited or intentionally aided the deceased to commit suicide. The application specifically points out that the suicide note does not contain any factual narration connecting the alleged conduct of the applicants with the decision of the deceased to take his own life. Even the statements relied upon by the prosecution, as placed before this Court, do not disclose a specific proximate act of either applicant which could reasonably be construed as having compelled or driven the deceased to commit suicide.

10. The mere fact that the names of the applicants were allegedly found in the suicide note cannot, in isolation, constitute the offence. The contents of the document have to disclose the requisite ingredients of abetment. Naming a person, without particulars of instigation, intentional aid or a proximate act having nexus with the suicide, cannot automatically result in criminal liability. This proposition assumes greater significance where the prosecution itself does not point out any specific incident immediately preceding the suicide attributable to the applicants.

11. So far as the statements of the family members are concerned, allegations of harassment, bereft of particulars regarding the nature, manner and timing of the alleged acts and their nexus with the suicide, cannot by themselves constitute the offence. The Court is conscious that at the stage of Section 528 BNSS it is not required to conduct a meticulous appreciation of evidence. However, where the allegations and the material relied upon by the



prosecution, even when taken at their face value, fail to disclose the basic ingredients of the alleged offence, continuation of the proceedings would fall within the well-recognised category warranting exercise of inherent jurisdiction.

12. Consequently, this Court is of the considered opinion that permitting the criminal proceedings to continue against the applicants, in the absence of material disclosing the essential ingredients of the offence, would amount to abuse of the process of law. Accordingly, the present application under Section 528 of the BNSS is **allowed**. FIR bearing Crime No.468/2025 registered at Police Station Amanganj, District Panna, for offences punishable under Section 107 read with Section 3(5) of the BNS and all consequential proceedings arising therefrom, insofar as they relate to the present applicants - Ram Prakash Tiwari and Manish Tiwari, are hereby quashed..

(HIMANSHU JOSHI)
JUDGE

Prachi