



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). /2026
SLP (Crl.) No(s). 18705/2025

PATEL JOSHABEN PRAVINKUMAR PATEL & ORS.

Appellant(s)

VERSUS

STATE OF GUJARAT & ANR.

Respondent(s)

O R D E R

1. Leave granted.
2. On 28.11.2025 notices were issued to the respondents, returnable in six weeks. As per Office Report, notice is served on all the respondents. However, only the State is represented. No one is present for the private respondent.
3. We have heard learned counsel for the appellant(s) and the learned counsel for the State.

4. This appeal is directed against the order dated 16.09.2025 passed by the High Court of Gujarat at Ahmedabad¹ in Criminal Miscellaneous Application (for quashing and setting aside FIR/Order) No. 6654/2020. By the impugned order the petition of the appellant, which sought quashing of First Information Report ("FIR") being C.R. No. 119930042001154 of 2020 at P.S. Bhachau, Kutch, under Sections 306 and 114 of the Indian Penal Code, 1860 ("IPC"), has been dismissed.

5. The appellant(s) herein are mother-in-law, father-in-law and brother-in-law of the deceased. The deceased was married to Shraddhaben, daughter of appellant Nos. 1 and 2 and sister of appellant No.3, in the year 2009.

6. On 06.03.2020, Shraddhaben lodged FIR No. 11191008200120 at P.S. Chandkheda, Ahmedabad City against the deceased under Sections 498A and 323 IPC. In the FIR, it

¹ "High Court"

was, *inter alia*, alleged that on 01.03.2020, informant's husband (i.e., the deceased) had abused the informant, assaulted her, and continued to beat her till evening. As a result, on 02.03.2020, when the deceased went to school for training, the informant took her son, went to Bhachau Railway Station and boarded a train to Delhi. On 03.03.2020, she alighted at Delhi Railway Station. There, the police spotted her in distress and helped her to board a return train on 04.03.2020 to go back to her native place. Consequently, she arrived at Bhachau Railway Station on 05.03.2020. Thereafter, she informed her husband (i.e., the deceased) that she could no longer tolerate his misdemeanor and that she would go back to her parents' place. Whereafter, she left her husband and came to Ahmedabad. In the evening her parents arrived and, thereafter, the FIR was registered.

7. After registration of the FIR, on 06.03.2020, she was medically examined for

her injuries. Multiple contusions brown/black in colour were found all over her body.

8. On 21.03.2020, the second respondent i.e., brother of the deceased, lodged the impugned FIR against the present appellants, namely, father-in-law, mother-in-law and brother-in-law of the deceased. In the impugned FIR it is alleged that the deceased was harassed by the appellants in various ways because they wanted the deceased and their daughter i.e., deceased's wife to reside with them at Ahmedabad. It is alleged that on account of their harassment, the life of his brother had become hell. Not only that, a false FIR was registered against the deceased and a notice for maintenance was also served upon the deceased; therefore, the deceased was driven to commit suicide.

9. The appellant(s) challenged the FIR and the consequential proceedings under Sections 306/114 of IPC by invoking High

Court's jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 ("CrPC").

10. The High Court, however, by the impugned order dismissed the petition by relying upon few decisions of this Court which dealt with the scope of the inherent powers under Section 482 of CrPC.

11. Aggrieved therewith, the appellant(s) are in appeal before us.

12. The submission on behalf of the appellant(s) is that even as per the allegations in the impugned FIR, the deceased's wife, namely, Shraddhaben, had left her matrimonial home and had gone to her parents' place. Impugned FIR also recites that an FIR was registered by Shraddhaben against the deceased at Ahmedabad City and that she had also served a notice upon the deceased seeking maintenance. It is submitted that lodging an FIR and seeking maintenance is a person's right. If the accused or the notice

VERDICTUM.IN

recipient commits suicide out of fear to face the proceedings it cannot be said that the person who lodged the FIR or sought maintenance abetted the suicide. In such circumstances, it is a clear case where the deceased committed suicide on account of his own frustrations and not because there had been any instigation by the accused constituting abetment.

13. The State in its response affidavit has annexed a suicide note of the deceased.

14. We have perused the suicide note, which has been appended as Annexure R-1 to the counter affidavit.

15. A perusal of the suicide note would reveal that the deceased has addressed it to all his relatives, namely, his elder brother i.e., the informant, his own elder sister, his wife - Shraddhaben and his mother-in-law and father-in-law. The suicide note would indicate that in the opinion of the deceased, his married life was ruined by the appellant(s) herein, though he held no

grudge against his wife-Shraddhaben.

16. What is missing in the suicide note is an allegation regarding commission of any act by the appellants which may constitute an abetment of suicide, either by way of instigation, or by way of harassment to an extent that the deceased was left with no option but to end his life. In fact, a careful reading of the suicide note would indicate that the deceased was highly depressed with the turn of events i.e., his wife leaving the matrimonial home, which probably led him to commit suicide.

17. In order to be sure that death of the deceased was not homicidal, on 22.07.2026 we had called upon the learned counsel for the State to seek instructions whether investigation on the impugned FIR is over, and whether from the materials collected during investigation, any evidence of homicidal death was found.

18. Pursuant to our order dated 22.07.2026, the learned counsel for the

State has obtained instructions. As per his instructions, there is no evidence of a homicidal death, rather it was a case of suicide. In such circumstances, we would have to consider whether the allegations in the FIR including the suicide note, in the context of undisputed facts of the case, make out a *prima facie* case of abetment of suicide.

19. To sustain an FIR for the purposes of investigation in respect of an offence of abetment of suicide, particularly in cases which are not covered by presumptive provisions of the Evidence Act, 1872, such as Section 113A thereof, it must be indicated, that the person accused of the offence had, *prima facie*, committed any of those acts which amounts to abetment of a thing.

20. Section 107 of IPC defines as to what constitutes abetment of a thing.² A bare

2 107. 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

reading of Section 107 would indicate that a person abets the doing of a thing, if he instigates any person to do that thing; or engages with one or more other person or persons in any conspiracy for the doing of that thing; or intentionally aids, by any act or illegal omission, the doing of that thing.

21. In the instant case, the necessary ingredients of abetment are completely lacking either in the FIR or in the suicide note which has been placed before us. The allegations against the appellants, at best, can be taken as one that they were the ones who spoilt the marriage of their daughter and instigated her to lodge FIR against the

that thing; or

Thirdly.— Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.— A person who, by willful misrepresentation, or by willful 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.

Illustration

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, willfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.— Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.

deceased.

22. In our view, lodging an FIR, even if it is false, against a person, *per se*, does not amount to instigating that person to commit suicide. Besides, here the FIR was lodged by the deceased's wife who had suffered injuries. Otherwise also, every individual has a right to take recourse to appropriate proceedings under law to protect his or her rights. Therefore, if a person sets the criminal justice delivery system in motion, he cannot be held liable for abetment to commit suicide, if the person against whom proceedings were initiated commits suicide.

23. Admittedly, the appellant(s) were residing separate from the deceased and, therefore, they cannot be considered having such an overbearing influence over the deceased that they could instigate him, or drive him, to commit suicide.

24. While assessing whether a *prima facie* case of abetment to commit suicide is made out or not, the court must not merely consider the allegations in the suicide note but also the surrounding facts of the case. Merely because a dejected husband, or lover, out of frustration, ends his life and puts the blame on the accused, in his suicide note, is not enough to conclude that a *prima facie* case is made out against those who are blamed. The court would have to consider whether the conduct of the accused complained of in ordinary circumstances would have driven an ordinary person, not an over sensitive person, to take that drastic step to end his life.

25. In matrimonial relationship, often differences arise between husband and wife where they tend to blame each other and institute proceedings against each other. Initiation of such proceedings cannot by itself be taken as an act of instigation to commit suicide. Because, ultimately, it is

for the courts to decide whether those proceedings are *bona fide* or *mala fide*.

26. In the present case, the suicide note clearly indicates that the deceased was dejected because his wife had left him and had initiated a proceeding against him. Whatever might be the reason for his wife to leave her matrimonial home after 10 years of marriage, the fact remains that she lodged an FIR making such allegations which had *prima facie* support from medical report. In such circumstances, it could also be possible that the deceased's guilt complex may have prompted him to end his life.

27. Be that as it may, we are not here to speculate upon the reasons as to why the deceased committed suicide. What is important here is that the FIR as well as the materials placed on record including the suicide note do not disclose the necessary ingredients to constitute an abetment so as to make out a *prima facie* case of abetment of suicide against the appellants.

28. In our view, the High Court ought not to have refrained from examining the matter at some depth, particularly, when the reasons for suicide were spelt out in the FIR as well as the suicide note.

29. We, therefore, deem it appropriate to allow this appeal. The impugned judgment and order of the High Court is set aside. The impugned FIR and all consequential proceedings are hereby quashed.

30. Pending application(s), if any, shall stand disposed of.

..... J
[MANOJ MISRA]

..... J
[VIJAY BISHNOI]

New Delhi;
August 18, 2026

ITEM NO.11

COURT NO.11

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). /2026
SLP (CrI.) No(s). 18705/2025

[Arising out of impugned final judgment and order dated 16-09-2025 in CRLMA No. 6654/2020 passed by the High Court of Gujarat at Ahmedabad]

PATEL JOSHABEN PRAVINKUMAR PATEL & ORS.

Petitioner(s)

VERSUS

STATE OF GUJARAT & ANR.

Respondent(s)

IA No. 287096/2025 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT

IA No. 287094/2025 - EXEMPTION FROM FILING O.T.

Date : 18-08-2026 This matter was called on for hearing today.

CORAM HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) Ms. Pyoli, Adv.
Mr. Somesh Chandra Jha, AOR
Mr. Brijesh Raj, Adv.
Mr. Animesh Rajoriya, Adv.

For Respondent(s) Ms. Deepanwita Priyanka, Adv.
Ms. Swati Ghildiyal, AOR
Mr. Nimesh Bhatt, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The appeal is allowed in terms of the Reportable signed order placed on the file.

3. Pending application(s), if any, shall stand disposed of.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(AJEET SINGH TARIYAL)
BRANCH OFFICER