



2026:AHC:54194

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 158 of 2026

Indra Bahadur @ Ram Bhadauriya And Another

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Jeetendra Kumar Sharma, Laxmi Dubey
Counsel for Respondent(s)	:	Pankaj Kumar Mishra, G.A.

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellant, Shri Pankaj Kumar Mishra, learned counsel for the respondent/informant and Shri R.K. Singh, learned AGA for the State.

2. This criminal appeal under Section 14-A(1) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellant with a prayer to allow the appeal and set aside the impugned cognizance order dated 18.07.2025 passed by Special Judge, (SC/ST Act), Etawah in Session Case No. 1027 2025 (State Vs. Indrabahdur @ Ram Bhadauriya and others) arising out of Case Crime No. 102 of 2025, Under Sections 108, 351(3), 352 Bhartiya Nyaya Sanhita (BNS) 2023 and Section 3(1)(R)(S), 3(2)(V) of SC/ST Act, P.S. Bakewar, District Etawah.

3. The FIR states that on 25.04.2025 at around 9:30 PM, the appellants along with other co-accused came to the informant's house. They abused her by taking her son Ankit Dohre's name, used filthy language, and threatened to kill her son. When she objected, they abused her caste and repeated the life threats. They said they would kill Ankit because he had spoken to their niece Palak. Due to these threats, Ankit did not return home. The informant called 112. Later, Ankit's dead body was found hanging from a mango tree. She informed the police that he committed suicide out of fear from the appellants.

4. Learned counsel for the appellants submitted that the FIR was lodged

one day after the alleged incident, with no explanation for the delay. The deceased Ankit frequently molested the appellant's maternal granddaughter. Appellants had complained to the informant about this and warned of legal action if Ankit did not stop. On their complaint, the informant scolded and beat her son Ankit, who then committed suicide. Appellants had no role in his suicide. The allegations also show that Ankit was not present when the alleged threats were made at the informant's house. No evidence exists that appellants threatened or abused Ankit. Thus, no offence of abetting his suicide is made out against them.

5. Learned AGA and learned counsel for the informant submitted that the deceased committed suicide soon after the incident at the informant's house, where the appellants gave death threats to him. The informant told the Investigating Officer that she and the deceased were both present at her house during the incident. She specifically stated that Ankit was also there when it happened. This directly links the appellants' threats to Ankit's suicide. Her statement clearly establishes the nexus between the threats given by the appellants and the suicide committed by the deceased. No other explanation fits the timeline or facts.

6. Having heard learned counsel for the parties and perused the material available on record, this Court finds that the substratum of the prosecution case rests upon the allegation that the appellants had extended threats to the deceased Ankit, on account of which he allegedly committed suicide.

7. Before discussing the facts of this case, it will be relevant to discuss the ingredients required for constituting offence under Section 108 BNS. In order to constitute an offence under Section 108 BNS, there must be a clear case of instigation, conspiracy or intentional aid, coupled with a proximate and live link between the act of the accused and the commission of suicide. Mere use of abusive language or casual threats, without any positive act or mens rea to drive the deceased to commit suicide, would not satisfy the legal requirement of "abetment".

8. The Hon'ble Supreme Court in **Gurcharan Singh v. State of Punjab (2017) 1 SCC 433** has categorically held that for constituting abetment of suicide, there must be a direct or indirect act of incitement to the

commission of suicide, and mere harassment or threats, in absence of any positive action proximate to the time of occurrence, would not suffice. The Court emphasized the requirement of a clear mens rea and a live nexus between the conduct of the accused and the suicide. Further, it was laid down in **M. Mohan v. State 2011 (3) SCC 626** that there must be a clear mens rea to commit the offence and an active or direct act which leads the deceased to commit suicide, leaving no option but to do so. In the present case, such essential ingredients are conspicuously absent.

9. Further, from a plain reading of the FIR and the material collected during investigation, it is evident that although the alleged incident is stated to have taken place at the house of the informant, the FIR does not mention the presence of the deceased Ankit at the spot. His presence has been introduced for the first time in the statement of the informant recorded during investigation. Such omission in the FIR, being the earliest version, assumes significance. The subsequent introduction of this fact is clearly an improvement and constitutes a material contradiction affecting the core of the prosecution case, which does not inspire confidence in absence of independent corroboration.

10. Applying the aforesaid principle to the facts of the present case, this Court finds that even if the allegations in the FIR are taken at their face value, they do not disclose any act of instigation of such gravity or proximity so as to compel the deceased to commit suicide. The alleged threats are general in nature and lack the element of continuity or immediacy necessary to establish abetment.

11. Similarly, in the case of **Ude Singh and Others V. State of Haryana, (2019) 17 SCC 301**, it has been observed in para 16 as follows:

“16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of

the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case."

12. In the facts of the present case, the allegations, even if taken at their face value, only indicate that the appellants, during a quarrel at the house of the informant, allegedly extended threats to the deceased in the presence of his mother on account of their grievance that he had molested their granddaughter. The material on record thus, at best, suggests a reaction arising out of a perceived wrong. However, such threatening, occurring in the heat of altercation, particularly when one party, rightly or wrongly, believes that their daughter/granddaughter has been subjected to molestation by the deceased, cannot be construed as "instigation" so as to attract the ingredients of Section 108 BNS. There is no material to indicate any deliberate or sustained conduct on the part of the appellants intended to drive the deceased to commit suicide.

13. Thus, in absence of any cogent material demonstrating instigation or intentional aid on the part of the appellants, and in view of the plausible alternate cause for the suicide, the essential ingredients of Section 108 BNS are not made out. Accordingly, continuation of the criminal proceedings against the appellants would amount to abuse of the process of law.

14. Resultantly, the appeal succeeds and is **allowed**. The impugned proceedings, including the FIR and all consequential proceedings arising therefrom, are hereby quashed.

(Anil Kumar-X,J.)

March 17, 2026
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