

(2025) 08 SC CK 0253

In the Supreme Court Of India

Case No : Criminal Appeal Nos.2177-2185 Of 2024

Abhinav Mohan Delkar

APPELLANT

Vs

State Of Maharashtra & Ors

RESPONDENT

Date of Decision : 18-08-2025

Acts Referred:

Code of Criminal Procedure, 1973 — Section 154, 157, 174, 482Bharatiya Nyaya Sanhita, 2023 — Section 45, 108Indian Penal Code, 1860 — Section 107, 304B, 306, 498AEvidence Act, 1872 — Section 113A, 113B

Citation : (2025) 08 SC CK 0253

Hon'ble Judges : B. R. Gavai, CJI;K. Vinod Chandran, J

Bench : Division Bench

Advocate : Meenakshi Arora, Prasenjit Keswani, Nitin Sangra, Upmanyu Tewari, Shivaji M. Jadhav, Brij Kishor Sah, Adarsh Kumar Pandey, Vignesh Singh, Aditya S. Jadhav, Kumar Murlidhar, Aakash Shankar, Arun Kanwa, Sakshita Handa, Gautam, Prashant R. Dahat, Puneet Yadav, Sourabh Gupta, Rameshwar Prasad Goyal, Mahesh Jethmalani, Hiten Venegavkar, Prashant R. Dahat, Sunny Bhimra, Mugdha Pande, Vaibhav Thaledi, Ajay Awasthi, T. R. B. Sivakumar, Hiten Venegavkar, Prashant R Dahat, Priya Mittal, Akshansh Gupta, Meenakshi Kalra, Tushar Mehta, Siddharth Dharmadhikari, Aaditya Aniruddha Pande, Shirang B. Varma, Bharat Bagla, Sourav Singh, Aditya Krishna, Adarsh Dubey, Chitransha Singh Sikarwar, Harish Pandey, Shashwat Parihar, Shreekant Neelappa Terdal, Mukesh Kumar Maroria, Shivaji M. Jadhav

Final Decision : Dismissed

Judgement

K. Vinod Chandran, J.

1. Whether every allegation or accusation levelled, a reprimand or rebuke made, an insinuation or insult voiced or even continuous acts of ill-treatment, harassment and defamation; as alleged in this case, would lead to a charge of abetment, if the person at the receiving end commits suicide, is a vexed question the Courts are called upon to decide when a charge is raised under Section 306 of the Indian Penal Code, 1860 'IPC'. Despite a wealth of precedents, the police

still have not come to terms with what constitutes an abetment as envisaged under Section 306 read with Section 107 of the IPC, now Sections 108 & 45 of the Bharatiya Nyaya Sanhita, 2023 'BNS'; in pari materia. On a complaint raised, FIRs are registered, investigation carried out and for reason of abject ignorance or on tainted instigation or at times deliberate design, the alleged perpetrator is even taken into custody without examining the existence of mens rea.

2. A seven-time Member of Parliament committed suicide on 22.02.2021, leaving behind a suicide note which named persons, both in the administration and the police, who according to him, conspired to defame, degrade and demean him so as to end his political career and bring down his social standing, thus driving him to suicide; which he proclaimed in his last note, was his only option. The accused, the respondents herein; named in the suicide note, filed separate applications to quash the FIR, under Section 482 of the Code of Criminal Procedure, 1973 'Cr.PC', which were allowed by the High Court by a common order, against which the present appeals have been filed.

3. Ms. Meenakshi Arora, learned Senior Counsel appearing for the appellant took us through the minutes of the Committee of Privileges in the Lok Sabha which had been looking into the complaints raised, on breach of parliamentary privileges, by the deceased. It is pointed out that the accused were named by the deceased before the Committee and from the various statements made, it is discernible that a concerted effort was underway to diminish his public image and finish off his political life. The statements of the witnesses; read over to us, it is argued would clearly indicate that there was an attempt also of extortion and an attempt of forceful takeover of a college owned and managed by a Trust, formed by the deceased. A conspiracy was hatched to tarnish his political image, especially because he had won as an independent candidate, without any political affiliation, to the Lok Sabha seven times.

4. Answering the query regarding absence of a live link with the alleged harassment, it was pointed out that the deceased was a man of public standing and the continuous humiliation he suffered at the hands of the administration, which was pursued unabated, despite his raising it before the Committee of Privileges, eventually led to the drastic step. The Division Bench of the High Court failed to look into the suicide note or the material on record which surely warrants a trial and definitely not a quashing as has been done under Section 482, Cr.PC. Reliance was placed on *Dammu Sreenu v. State of Andhra Pradesh* (2009) 14 SCC 249, *State of Haryana v. Surinder Kumar* (2000) 10 SCC 337, and *Munshiram v. State of Rajasthan* (2018) 5 SCC 678. It was argued on the strength of these precedents that there could be circumstances and instances when the death by suicide is not preceded by a proximate incident. The totality of the circumstances has to be looked into and it is only in the rarest of rare cases, where there is absolutely no evidence or the charges are not made out prima facie that trial can be frustrated by resort to Section 482, Cr. PC.

5. Shri Tushar Mehta, learned Senior Counsel appearing for the respondent State

rests contend with the statement of law coming out from the various precedents, a compilation of which has been placed before us. It is pointed out that the allegations, on the face of it, arise from oversensitivity. Shri Mahesh Jethmalani, learned Senior Counsel appearing for one of the accused, the Administrator, points out that there was no complaint of extortion before the Parliamentary Committee and it was for the first time raised in the suicide note. The witnesses are all associates of the deceased who have merely paid lip service to the suicide note. It is pointed out that even as per the FIR, the deceased had written a letter to the Administrator, less than a month before his death, seeking his help which clearly indicates that the allegation of conspiracy levelled against the Administrator is without any basis. The accusation of extortion is one made for the first time in the suicide note and was never complained of anywhere including the Privileges Committee. The learned Counsel appearing for the other respondents too urged that the judgment of the High Court is unimpeachable and requires to be upheld.

6. The Division Bench which considered the matter has listed out the various acts and omissions of the police and the administration, which constituted the continued harassment complained of, as has been reproduced in the statement of the son, which led to the registration of the FIR. According to the appellant; the son of the deceased who is also the first informant, the officers of the administration, under the orders of the Administrator were targeting the deceased, tarnishing his image and reputation. Briefly put, the conspiracy was hatched with the intention of taking over SSR College and further to prevent the deceased from contesting the next elections. At the instructions of the Administrator the other accused threatened and insulted the deceased in public, giving short shrift to his status as a Parliamentarian and attempted to extort money. By reason of such continuous torture inflicted, the deceased who belonged to a Scheduled Tribe, was forced to commit suicide. It was stated in the First Information Statement 'FIS' that, on being made aware of the death of his father, the informant came to Mumbai, took back the body of the deceased on the same day to Silvassa and later, on 01.03.2021 when he enquired about the investigation he was told of the suicide note, which was handed over along with the minutes of the Lok Sabha Committee of Privileges, based on which the FIS was recorded on 09.03.2021.

7. The deceased raised his voice against the Administrator and the maladministration of Dadra and Nagar Haveli in the Parliament and also in the media, which received a lot of publicity. This enraged the Administrator at whose instance the local administration and police deliberately harassed the deceased and intentionally insulted him in public. The instances of such public humiliation were stated to be numerous. The M.P. was not invited or allowed to speak at the function celebrating the Liberation Day of Dadra and Nagar Haveli, which fell on 02.08.2020, against which he had lodged a complaint before the Speaker of the Lok Sabha and its Committee of Privileges. Another instance of violation of protocol occurred when the M.P. was not invited to a programme attended by the

Union Minister of State (Home), in his constituency and spreading a canard of the M.P. having deliberately kept away from the function. The authorised representative of the deceased was not given a hearing by the Deputy Collector who was considering a civil suit, against which representative an illegal complaint was filed. And lastly a reinvestigation attempted of a criminal case by an Inspector at the behest of the Superintendent of Police.

8. The only private individual arrayed as an accused in the FIR was accused of circulating defamatory video clips on the social media platforms. One of the accused, a Talati (Revenue Official) also lodged a false and baseless complaint against the deceased in the office of the Administrator. The administrative officers failed to follow the established etiquette due to an M.P., in official and public functions and disrespected the deceased, to bring disrepute. These actions were alleged to be intended at preventing the participation of the M.P. in official functions and on public platforms, declining him a fair hearing and lowering his public image. A further statement also is seen recorded detailing the threats levelled on the deceased to further the process of take-over of SSR College, run by a Trust formed by the deceased, demand of Rs.25 crores and the arrest of a close associate of the deceased.

9. We would first look at the precedents placed before us, which, we have to pertinently observe, turns on the facts of each case. The decisions relied on by the de facto complainant are specifically on the requirement of a proximate incident to suicide, being not imperative. In *Surinder Kumar* (2000) 10 SCC 337 the deceased was accused of stealing 10 grams of gold and committed the extreme act after 20 days. An application under Section 482 of the Cr.P.C. was allowed by the High Court, which order was set aside by this Court, pointing out that the guilt or otherwise of the accused would have to be decided on the basis of the evidence; without any discussion on the question of delay, which again was only of 20 days. There cannot be any dictum ferreted out from the said decision but for the broad principle that ordinarily a case will have to proceed for trial and be decided on the evidence led and the closure at the initial stage can only be on the principles laid down regarding invocation of the extra ordinary power under Section 482 of the Cr.P.C.

10. In *Dammu Sreenu* (2009) 14 SCC 249, the deceased, troubled by his wife carrying on an illicit relationship, sent her for counselling, to her parental home. The paramour, who was the appellant, enraged with the act of the deceased went to his house and proclaimed his intention to continue the relationship and later took the wife away from her brother's house. The wife returned to her parental house on 06.01.1996 and the husband committed suicide on the night of 07.01.1996. It was found that there was proximate instigation and intimidation which led to the suicide, which acts of the accused 1 and 2 had a direct nexus to the death of the deceased.

11. *Munshiram* (2018) 5 SCC 678 again was a marital dispute with the husband at the receiving end, who met his end at his own hands. The wife had initiated

multiple legal actions against the husband which were once compromised and then resurrected. The husband committed suicide, leaving behind two suicide notes specifically alleging illicit relationship on the wife, and an attempt, along with her family, to take over the factory belonging to the father of the deceased/husband. The High Court invoked the power under Section 482 of the Cr.P.C. to quash the proceedings which was reversed by this Court. It was found on a reading of the FIR, as also the FSL report; which categorically found similarity in the handwriting on the suicide note, to the admitted handwriting of the deceased, that the case was not one which could be quashed at the initial stage and requires evidence to be led.

12. Much reliance was placed on Ude Singh and Ors. v. State of Haryana (2019) 17 SCC 301 which again was a case in which an 18-year-old girl hanged herself for reason of the continued harassment and humiliation meted out by her own relatives, who were at logger heads with the family of the deceased. Admittedly there were criminal cases pending between the families, who were related to each other. The first accused who was in the status of her uncle had been repeatedly referring to the young girl as his wife which was actively supported by the brother and even the sons of the first accused. The public humiliation meted out and the canard spread by the accused resulted in her engagement being broken off. There was a proximate incident on the previous day of the suicide, when the accused together, publicly taunted the deceased, which resulted in an altercation; witnessed by PW2 and spoken of by the deceased to her mother, PW11. It is on the unwavering testimony of the witnesses regarding the continued harassment and the just prior incident, which led to the suicide that the conviction entered was upheld by this Court.

13. It is very pertinent that a reading of the above decisions would only indicate that always a proximate incident or act prior to the suicide was held to be a very relevant aspect in finding the death to be a direct causation of the acts of the person accused of abetting the suicide. We think it apt to look at the decisions discussed in Ude Singh (2019) 17 SCC 301. Ramesh Kumar v. State of Chhattisgarh (2001) 9 SCC 618 which was a case in which the husband pursuant to a quarrel asked the wife to go wherever she pleased, after which she set herself ablaze. This Court opined that the wife, on the husband freeing her, impulsively felt that she could do nothing but kill herself. It was held so in paragraph 20:

"20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation

may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."

[underlining in all the extracts, by us, for emphasis]

14. This Court also relied on *State of West Bengal v. Orilal Jaiswal* (1994) 1 SCC 73, wherein it was held so:

"If it transpires to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty."

15. *Pawan Kumar v. State of Himachal Pradesh* (2017) 7 SCC 780 was a case of elopement which resulted in a criminal prosecution against the boy, later acquitted on the girl's testimony in his favour. The boy continued to harass the girl, holding her responsible for the criminal proceeding initiated and even threatened to kidnap her; which proximate threat led to the girl setting herself ablaze. A dying declaration in the form of a letter, pinned the responsibility of her death on the accused. While upholding the conviction entered into by the High Court reversing the acquittal by the Trial Court, this Court held so on the scope of the words 'abetment' and 'instigate':

"43. Keeping in view the aforesaid legal position, we are required to address whether there has been abetment in committing suicide. Be it clearly stated that mere allegation of harassment without any positive action in proximity to the time of occurrence on the part of the accused that led a person to commit suicide, a conviction in terms of Section 306 IPC is not sustainable. A casual remark that is likely to cause harassment in ordinary course of things will not come within the purview of instigation. A mere reprimand or a word in a fit of anger will not earn the status of abetment. There has to be positive action that creates a situation for the victim to put an end to life.

44. In the instant case, the accused had by his acts and by his continuous course of conduct created such a situation as a consequence of which the deceased was left with no other option except to commit suicide. The active acts of the accused have led the deceased to put an end to her life. That apart, we do not find any material on record which compels the Court to conclude that the victim committing suicide was hypersensitive to ordinary petulance, discord and difference in domestic life quite common to the society to which the victim belonged. On the other hand, the accused has played active role in tarnishing the self-esteem and self-respect of the victim which drove the victim girl to commit suicide. The cruelty meted out to her has, in fact, induced her to extinguish her life spark."

Here again the live link, to the just prior threat was emphasised while also noticing the fact that a young girl living in a village setting, also belonging to the poor strata of society, was threatened and teased constantly, resulting in her resort to the extreme step. The accused would have known that his acts would lead to the drastic consequence.

16. *Amalendu Pal vs. State of West Bengal* (2010) 1 SCC 707 also held:

"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."

17. *S.S.Chheena v. Vijay Kumar Mahajan* (2010) 12 SCC 190 emphasised the requirement of a positive act on the part of the accused to instigate or aid in committing suicide. Looking at Section 306, it was held so :

"... 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."

18. *Chitresh Kumar Chopra v. State (NCT of Delhi)* (2009) 16 SCC 605 spoke on the suicidal ideation and behaviour in human beings which were complex and multifaceted (sic). It was held that:

"Different individuals in the same situation react and behave differently because of the personal meaning they add to each event, thus accounting for individual vulnerability to suicide. Each individual's suicidability pattern depends on his inner subjective experience of mental pain, fear and loss of self-respect. Each of these factors are crucial and exacerbating contributor to an individual's vulnerability to end his own life, which may either be an attempt for self-protection or an escapism from intolerable self."

19. *Madan Mohan Singh v. State of Gujarat* (2010) 8 SCC 628 was a case in which the accused was alleged to have continuously harassed and insulted the deceased and spoken as to how he was still alive despite the insults levelled. There was also a suicide note in which the deceased, a driver, accused his employer of having driven him to suicide. Despite such an allegation in the suicide note, this Court found that there was absolutely nothing in the suicide note or the F.I.R. which could even distantly be viewed as an offence, much less under Section 306 of the I.P.C.

20. Again, the ingredients under Sections 107 and 306 of the I.P.C. was interpreted by one of us in *Prakash and Ors. v. State of Maharashtra* and *Anr. 2024 SCC OnLine SC 3835* (B.R. Gavai J., as he then was) in the following manner:

"14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well-established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide.

15. The law on abetment has been crystallised by a plethora of decisions of this Court. Abetment involves a mental process of instigating or intentionally aiding another person to do a particular thing. To bring a charge under Section 306 of the IPC, the act of abetment would require the positive act of instigating or intentionally aiding another person to commit suicide. Without such mens rea on the part of the accused person being apparent from the face of the record, a charge under the aforesaid Section cannot be sustained. Abetment also requires an active act, direct or indirect, on the part of the accused person which left the deceased with no other option but to commit suicide."

21. It was held that abetment involves the mental process of instigating a person or intentionally aiding a person in doing of a thing and without a positive act on the part of the accused, in aiding or instigating or abetting the deceased to commit suicide, a conviction cannot be sustained.

22. What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, 'the straw that broke the camel's back'; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.

23. The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the

victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306.

24. We have already seen that even a rebuke to "go, kill yourself"; often a rustic expression against distasteful conduct, cannot by itself be found to have the ingredients to charge an offence of abetment to suicide. There is no uniformity in how different individuals respond and react under pressure. Many stand up, some fight back, a few runaway and certain people crumble and at times take the extreme step of suicide. To put the blame on the pressure imposed and the person responsible for it, at all times, without something more to clearly discern an intention, would not be the proper application of the penal provisions under Section 306.

25. In this context, useful reference can be made to Sections 113A & 113B of the Indian Evidence Act, 1872 providing statutory presumptions in aid of Sections 498A & 304B, respectively, of the IPC. When a woman dies by suicide within seven years of her marriage, if it is shown that she was subjected to cruelty by her husband or his relative, there arises a presumption that the husband or such relative abetted the suicide, in which event the penalty under Section 306 is attracted. The presumption under Section 113A was statutorily employed by the Parliament, realizing the menace and in an attempt to prevent domestic violence unleashed on women in the patriarchal society, by deterrence. This exercise would not have been necessary if Section 107 did provide for finding abetment without conscious instigation constituting mens rea. This Court held in *Mangat Ram v. State of Haryana* (2014) 12 SCC 595 that the provision only enabled the court to presume on the abetment, having due regard to all other circumstances of the case and drawing such presumption is purely within the discretion of the Court.

26. We also notice Section 304B which penalises the death of a woman, caused by any burns and bodily injuries or occurs otherwise than under normal circumstances, within seven years of her marriage; if it is shown that the victim was subjected to cruelty or harassment by her husband or any relative of her husband soon before her death, in connection with any demand for dowry, as 'a dowry death', punishable with imprisonment for a term which shall not be less than seven years and which extends to imprisonment for life. In law this is made possible by the presumption brought about by Section 113B; which all the same requires a proximate incident, as discernible from the words employed, in both Sections 113B & 304B, of '... and it is shown that soon before her death such woman was subjected to...' cruelty or harassment with a demand for dowry.

27. *Kashmir Kaur v. State of Punjab* (2012) 13 SCC 627 considered the import of the words "soon before". It was held that "soon before" is a relative term depending on the circumstances of each case and there can be no straitjacket formula prescribed. It normally implies existence of proximate or live link between the demand of dowry amounting to cruelty and the death. It cannot be so remote that it is stale but all the same no narrow meaning can be assigned to the words to defeat the purpose of the provision.

28. Disputes in marital spaces are not uncommon. Tragically dowry demands, despite punitive legislation, is the major cause for domestic violence, unnatural death and suicide within marital spaces. Hence, a presumption was drawn on the dowry death of a woman, within 7 years of marriage, by the legislature, carefully incorporating the requirement of a proximate trigger. It cannot be said that the said requirement is absent in bringing home a conviction for abetment to suicide. If it is so held, then it would follow that when a poor woman commits suicide within 7 years of her marriage, pursuant to a "soon before" incident, it would be a dowry death. But if the death occurs after 7 years, then there will be no reason to look for a proximate trigger. The necessity to find a trigger, proximate to the suicide cannot at all be wished away.

29. At the outset, on the facts coming out in the present case, it is to be noticed that the deceased was no ordinary person, though he had his roots in a marginalised community. There is no allegation of any public humiliation on the basis of caste or a casteist slur having been spoken. He rose up in the political front presumably by his grit and determination, especially having been elected to the Lok Sabha seven times, losing only once in three decades, that too as an independent candidate. The first of these allegations, which allegedly led to the suicide refers to an incident on the 2nd of August 2020, the Liberation Day of the Union Territory, including the constituency of the deceased. The deceased was not given proper respect and regard due to an M.P., was the allegation. This has to be looked at, on the basis of the counter affidavit filed, which indicates curbs imposed for reason of the Covid pandemic, raging at that time, the country having opened up after the worldwide lockdown. Restrictions were imposed on official functions and public celebrations were toned down, to arrest the spread of the pandemic. The further allegation is regarding the M.P. having not been invited for a function in which the Minister of State for Home, of the Union Government, participated, that took place in December 2020. The deceased M.P. was a seasoned politician, and we cannot infer such instances of disrespect alone having goaded him into suicide, that too after a couple of months.

30. The Parliamentarian stood up to the insult and approached the Committee of Privileges in the Lok Sabha, the minutes of which have been produced and painstakingly read over to us by the learned Senior Counsel. The deceased was a person of standing, aware of his rights and privileges and conscious of the remedies possible. Insofar as the allegation of circulation of news items and videos, as alleged against a private individual, it was pointed out that the

deceased had issued a legal notice alleging defamation.

31. While highlighting the above referred two instances, the M.P. had also spoken of other instances of harassment by certain officers, not named, but their designations spoken of before the Committee of Privileges. In fact, when speaking of the Deputy Collector as seen from the written complaint and also the statements made, he is said to have misbehaved not only with the M.P. but also with other persons in the political arena. Probably, an officer who oversteps his authority, but it is difficult to discern any conspiracy by the entire administration at the instigation of the Administrator.

32. The Parliamentarian also spoke of an investigation in a crime having been reopened but does not speak on any specifics about the crime proper or its nature. The policemen-accused; an Inspector and a Superintendent of Police, have clearly stated that they were not involved in such reinvestigation and had also in their counter affidavit pointed out that the crime number referred by the M.P. was wrong.

33. It is also pertinent that before the Committee of Privileges, there is no whisper about the Administrator or the extortion attempted or even the take over of the trust as alleged. In any event, the Committee of Privileges had seriously considered the complaint raised by the M.P. and the Chairman of the Committee, had on 12.02.2021 informed the M.P. of the investigation initiated insofar as the conduct of the administration, as recorded in the minutes. It was also recorded that a letter has been sent for the safety of the M.P. The dated minutes, in which the same was recorded, is produced at page 190 of the SLP. The M.P. then travelled to Mumbai, presumably with his fears assuaged and the insults he complained of mitigated, by the action proposed by the Committee of Privileges. After 10 days on 22.02.2021, without any intervening circumstance or incident, the Parliamentarian committed suicide. Neither the incident of 02.08.2020 nor the failure of the administration alleged in December 2020; both of not respecting the hierarchical protocol for an M.P., can be seen as an instigation or causation of suicide or the proximate and prior trigger.

34. One other allegation raised is of the arrest of an associate who was authorised to represent the MP in a case before the Deputy Collector. It has been clarified in the counter affidavit that the preventive detention of the said person under the Gujarat Prevention of Anti-Social Activities Act, 1985 was confirmed by the Advisory Board chaired by a retired Chief Justice of a High Court. The allegation of extortion has never been raised, either in the complaint to the Hon'ble Speaker or in the statements made before the Privileges Committee.

35. Emphasis was laid by the learned Senior Counsel appearing for the appellant, on the suicide note which too was meticulously read over to us, from the translated copy produced as Annexure P/12. Before we look into the suicide note, we cannot but observe that going by the FIS, the suicide note, presumably was discovered by the police when the body was detected. The appellant who had

gone to Mumbai, on hearing about his father's death was not immediately informed of the suicide note. On that day, when the body was taken back to Silvassa for the last rites, there was also no FIR registered on the basis of the suicide note. Surely an FIR would have been registered for unnatural death as provided under Section 174 of the Cr.P.C. If a suicide note had been recovered, with the discovery of the body or later, then necessarily it has to be seized and a FIR registered and investigation commenced under Section 157 which enables the police officer to commence the investigation after sending a report to the jurisdictional Magistrate empowered to take cognizance of such offence. Under Section 157 the investigation has to be commenced on information received under Section 154 or 'otherwise' of a cognizable offence.

36. It was later, even according to the FIS; on 01.03.2021, the suicide note was handed over to the appellant, when enquiries were made with the police. The appellant registers the FIR, still later on 09.03.2021. There is nothing produced either by the appellant or the State to show that the suicide note was recovered along with the body; which definitely would have been indicated in the Mahazar recorded at the inquest. There is also no verification carried out of the handwriting in the suicide note, juxtaposed with the admitted handwriting of the deceased. Above all, the suicide note makes pointed allegations against named individuals, which was not done earlier. It is for the first time that the Administrator was mentioned, with an allegation of extortion and attempt to forcefully take-over a Trust and the college it runs. The actions of the officers of the administration, alleged to be a direct result of the conspiracy hatched by the Administrator to coerce the petitioner, was never raised any time earlier. We cannot place any absolute reliance on the suicide note, to ferret out a case of abetment, allegations in which were not disclosed in the written complaint to the Hon'ble Speaker or the statements made before the Committee of Privileges.

37. If the executive officers are disrespectful to a Parliamentarian, the people's representative is entitled to demand and get his due status recognised by virtue of the legislative office he holds and also the electoral support he retains. As a seasoned politician would do, he raised the issue before the Committee of Privileges, which initiated necessary action, in which circumstance, we cannot find the suicide to be a direct result of the actions complained of. Tragically a life is lost, leaving questions unanswered. Despite our anxious reading and re-reading, the complaints made, the statements recorded, the suicide note; over which there is a cloud, and the subsequent conduct of the police regarding the delay in registering a crime and the casual statements made in the FIR, persuade us to negate the contention that the allegations levelled were the direct causation of the death.

38. The learned Senior Counsel for the appellant also referred to the various statements made by the son and others associated with the M.P. It was argued that at least, the statements should have persuaded the resort to a full-fledged trial rather than a quashing of the FIR, which quashing, in the given facts is

presumptuous. We are not convinced, since we cannot incorporate those statements made by others, a clear hearsay, into the written complaint. The statements made by the deceased himself, bereft of the various allegations in the suicide note, do not sketch out a case for abetment of suicide. As has been held in *State of Haryana v. Bhajanlal* (1992) Supp (1) 335, the allegations in the FIS or the complaint do not constitute any offence or make out a case against the accused.

39. We are of the opinion that the Division Bench of the High Court had rightly quashed the proceedings, finding the charge of abetment to commit suicide to be absent. Much emphasis was laid on the charge of extortion, which has been first stated in the suicide note and not disclosed in any of the complaints earlier made to the Hon'ble Speaker or the Committee of Privileges.

40. True, a person unable to bear the pressure or withstand a humiliation or unable to oppose, may succumb to the extreme act of ending his own life, in desperation; but that would not necessarily mean that the alleged perpetrator had an intention to lead the victim to eventual death by his own or her own hands. We find no such instigation on the part of the accused in this case, or a definitive abetment to suicide, as alleged in the FIR. There arises a cloud on the suicide note, when looking at the admitted statements recorded in the proceedings of the Committee of Privileges and also the manner in which the note was introduced in the case. Before the Committee of Privileges, no reference was made to the various allegations in the suicide note, against the named officers. We have found the suicide note to be suspect and we are not convinced that there is any modicum of material in the case to find abetment of suicide. The High Court was not in error, when it quashed the FIR, when no case is made out from the FIS.

41. The Criminal Appeals stand dismissed.

42. Pending applications, if any, shall stand disposed of.