

(2026) 02 DEL CK 1713

In the Delhi High Court

Case No : Criminal Revision Petition No. 591 Of 2023 & Criminal Miscellaneous Application No. 14085 Of 2023

Smt Sunil

APPELLANT

Vs

State Govt Of Nct Of Delhi & Ors

RESPONDENT

Date of Decision : 16-02-2026

Acts Referred:

Code of Criminal Procedure, 1973 — Section 227, 228
Bharatiya Nyaya Sanhita, 2023 — Section 45, 108
Indian Penal Code, 1860 — Section 34, 107, 306, 506

Citation : (2026) 02 DEL CK 1713

Hon'ble Judges : Amit Mahajan, J

Bench : Single Bench

Advocate : Shailender Dahiya, Ritesh Kumar Bahri, Divya Yadav, J.P. Sengh, Deepak Kumar Mishra, Sidheesh Yadav, Prince Mishra

Final Decision : Dismissed

Judgement

Amit Mahajan, J

1. The present petition is filed, inter alia, challenging the order on charge dated 06.01.2023 (hereafter 'impugned order'), passed in SC No. 734/18 arising out of FIR No. 351/18 ('FIR'), registered at Police Station Punjabi Bagh, whereby the learned Additional Sessions Judge ('ASJ'), West District, Tis Hazari Courts discharged the accused respondents of the offence under Section 306 of the Indian Penal Code, 1860 ('IPC').

2. The brief facts of the present case are as follows:

2.1. On 04.07.2018, the husband of the petitioner/ complainant committed suicide by hanging himself from a ceiling fan at his home. During search of the victim's body, a suicide note was found in the pocket of his shirt and taken into custody. Subsequently, on 10.07.2018, the FIR was registered against Respondent Nos. 2 and 3 for the offences under Sections 306/506/34 of the IPC

on the basis of the statement of the petitioner. It is the case of the prosecution that the victim used to ply his own vehicle and also run a general store at their home. Allegedly, at the instance of the victim, Respondent No.2 had advanced a loan of ₹ 15 lakhs to one Sharif Khan, who had repaid only a sum of ₹ 4 lakhs. In addition to the said sum, the victim had also taken a loan of ₹ 1.5 lakhs. It is alleged that Respondent No.2 used to frequent the house of the victim regularly to demand repayment of the loan with interest. Allegedly, Respondent No.2 and Respondent No.3 (son of Respondent No.2) used to threaten the entire family and they used to tell the victim that he would be sent to prison or kidnapped if the loan amount was not repaid. Allegedly, the accused persons frequently disturbed the victim through calls as well.

2.2. On the date of the incident, Respondent No.2 had telephonically demanded the money from the victim and badly threatened him. After receiving the call, the victim told the complainant that Respondent No.2 had asked him to return the money on the same day or to commit suicide. Allegedly, the victim told the petitioner that it would be better to commit suicide than to get humiliated on a daily basis. Thereafter, the petitioner along with her mother-in-law had gone to the grocery shop. On return, when the petitioner's mother-in-law went inside the house, she saw the victim hanging from the ceiling fan. When the petitioner entered the room, she found that the victim's mobile phone was ringing and it was Respondent No.2 who was calling the victim.

2.3. The note which was recovered from the victim mentioned that he was committing suicide due to harassment by Respondent No.2. It was mentioned that the victim had borrowed ₹ 1,50,000/- from Respondent No.2 and given a blank cheque against the same, and Respondent No.2 was making demands for repayment after adding interest at the rate of 10%. It was further mentioned that Respondent No.2 had taken lakhs of rupees from the victim, but he was threatening to send the victim to jail. The translation of the suicide note of the victim (extracted from a translated copy of the FIR that is attached with the petition) reads as under:

"I Vijender Singh am taking this step due to Dal Chand Yadav. I had borrowed a sum of Rs.150000/- from him and in lieu of that I had given a blank cheque who is now saying after calculating interest@ 10% it become 25 lakhs rupees. He had taken lakhs of rupees from me and threatened me to send in jail due to harassment caused by him I am taking this step. The phone number of Dal Chand Yadav is 9312202463, 9312202463 Vijender Singh and I have no complaint against any person"

2.4. During investigation, inquiry was made from Mohd. Sharif who stated that he had taken a total loan of ₹ 15 lakhs from Respondent No.2 at the interest rate of 10% in two trenches and returned ₹ 11.5 lakhs, however, the remaining amount could not be paid due to some reason. He further stated that the victim had asked him to repay the loan many times and informed him that Respondent No.2 was pressuring the victim, abusing him and insulting him. He further stated

that Respondent No.2 had told the victim that if Respondent No.3 came to know about non-payment of loan, it would be worse for the victim. Further, he stated that the victim informed him that Respondent No.3 had threatened him while visiting his house.

2.5. During further investigation, CDR of mobile phones of the accused and the victim were analysed and it was found that although Respondent No.2 was in regular touch with the victim, but there were no calls between Respondent No.3 and the victim.

2.6. By the impugned order, the learned Trial Court observed that a prima facie case had been made out against the accused persons for the offence under Sections 506/34 of the IPC. Both the accused were however discharged for the offence under Section 306 of the IPC after observing that mere demand of return of loaned amount cannot be deemed to be akin to instigating or abetting or aiding in commission of suicide. It was observed that the material on record did not indicate any overt act on part of the accused which fell within the meaning of abetment compelling the victim to commit suicide.

2.7. Aggrieved by the same, the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that the learned Trial Court has failed to appreciate that it was the provocation as well as threats extended by the accused that ultimately led the victim to commit suicide. He submitted that the accused persons constantly harassed the victim and made his life miserable. He further submitted that on the date of the incident as well, Respondent No.2 called the victim and threatened him.

4. He submitted that the accused were in the business of lending money to people and charging exorbitant rate of interest on the same, and they used to threaten the borrowers with the help of blank signed papers including blank signed cheques.

5. He submitted that the present case is not one of mere demand of loaned amount. He submitted that the method adopted by the accused to recover money, which involved harassing and defaming the victim as well as making regular physical visits in front of his family members, pushed the victim to commit suicide. He submitted that the same is also evident by the fact that even on the date of the incident, Respondent No.2 had called the victim 6-7 times and threatened him. He submitted that the statement of the petitioner clearly indicates that prior to committing suicide, after receiving one such call from Respondent No.2, the victim had told her that it was better to commit suicide than to live such a humiliating life. He submitted that the suicide note also specifically mentions that the victim committed suicide due to harassment by Respondent No.2.

6. He submitted that the learned Trial Court was only required to see as to whether a prima facie case is made out and not conduct a mini trial.

7. The learned counsel for Respondent Nos. 2 and 3 submitted that the learned Trial Court has rightly discharged the said accused for the offence under Section 306 of the IPC. He submitted that the only allegation against the accused is of pestering the victim for return of the loaned amount and mere vague or bald allegations of harassment in this regard are not sufficient to make out the offence of abetment.

8. He submitted that no direct or reasonable nexus is made out between the suicide and any of the alleged acts of the accused. He submitted that it is alleged that the victim was threatened that he will be sent to jail for non-payment of dues, however, the same is also not sufficient to frame charge of abetment of suicide as the victim had the option of availing his remedies in law.

9. He submitted that there was an inordinate delay of six days in registration of the FIR, which indicates that the allegations against Respondent No.3, who is not named in the suicide note, are an afterthought.

ANALYSIS

10. At the outset, it is relevant to note that the scope of interference by High Courts while exercising revisional jurisdiction in a challenge to order framing charge is well settled. The power ought to be exercised sparingly, in the interest of justice, so as to not impede the trial unnecessarily. It is not open to the Court to misconstrue the revisional proceedings as an appeal and reappreciate the material on record. At the same time, it is well-settled that the Court may interfere if the allegations are patently absurd and the basic ingredients of the offence, for which the charge is framed, are not made out [Ref. Amit Kapoor v. Ramesh Chander : (2012) 9 SCC 460].

11. The Hon'ble Apex Court, in Union of India v. Prafulla Kumar Samal : (1979) 3 SCC 4, dealt with the scope of enquiry a judge is required to make with regard to the question of framing of charges. Inter alia, the following principles were laid down by the Court:

"10. Thus, on a consideration of the authorities mentioned above, the following principles emerge:

(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.

xxx

(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to

discharge the accused.”

(emphasis supplied)

12. The Hon’ble Apex Court, in the case of Sajjan Kumar v. CBI : (2010) 9 SCC 368, has culled out the following principles in respect of the scope of discharge and framing of charge, while observing that a prima facie case would depend on the facts and circumstances of each case. The relevant paragraphs read as under :

“21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:

(i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.

(iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to

discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal.”

(emphasis supplied)

13. In *State of Gujarat v. Dilipsinh Kishorsinh Rao* : 2023 SCC OnLine SC 1294, the Hon’ble Apex Court has discussed the parameters that would be appropriate to keep in mind at the stage of framing of charge/discharge, as under:

“7. It is trite law that application of judicial mind being necessary to determine whether a case has been made out by the prosecution for proceeding with trial and it would not be necessary to dwell into the pros and cons of the matter by examining the defence of the accused when an application for discharge is filed. At that stage, the trial judge has to merely examine the evidence placed by the prosecution in order to determine whether or not the grounds are sufficient to proceed against the accused on basis of charge sheet material. The nature of the evidence recorded or collected by the investigating agency or the documents produced in which prima facie it reveals that there are suspicious circumstances against the accused, so as to frame a charge would suffice and such material would be taken into account for the purposes of framing the charge. If there is no sufficient ground for proceeding against the accused necessarily, the accused would be discharged, but if the court is of the opinion, after such consideration of the material there are grounds for presuming that accused has committed the offence which is triable, then necessarily charge has to be framed.

xxx

12. The primary consideration at the stage of framing of charge is the test of existence of a prima-facie case, and at this stage, the probative value of materials on record need not be gone into. This Court by referring to its earlier decisions in the *State of Maharashtra v. Som Nath Thapa*, (1996) 4 SCC 659 and the *State of MP v. Mohan Lal Soni*, (2000) 6 SCC 338 has held the nature of evaluation to be made by the court at the stage of framing of the charge is to test the existence of prima-facie case. It is also held at the stage of framing of charge, the court has to form a presumptive opinion to the existence of factual ingredients constituting the offence alleged and it is not expected to go deep into probative value of the material on record and to check whether the material on record would certainly lead to conviction at the conclusion of trial.”

(emphasis supplied)

14. The Court at the stage of framing of charge is required to evaluate the material only for the purpose of finding out if the facts constitute the ingredients of the alleged offence. At this stage, the Court ought to look at the limited aspect of whether, given the material placed before it, there is grave suspicion against the accused which is not properly explained. Though, for the purpose of conviction, the alleged offences must be proved beyond reasonable doubt.

15. The present case is one where the victim ex facie appears to have committed

suicide due to financial distress. The petitioner/ complainant, who is the wife of the victim, is aggrieved by the discharge of the accused persons for the offence under Section 306 of the IPC.

16. Before undertaking the task of determining as to whether a prima facie case for the offence under Section 306 of the IPC is made out against the accused persons, it is imperative to first appreciate the law in relation to the offence under Section 306 of the IPC. The aforesaid provision reads as under:

“306. Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

17. The said provision is to be read in conjunction with Section 107 of the IPC, which deals with abetment. The same reads as under:

“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 that thing; or

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

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

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 facilitates the commission thereof, is said to aid the doing of that act.”

18. It is well-settled that the offence under Section 306 of the IPC can only be attracted where the accused has actively indulged in instigating, conspiring or aiding in the commission of suicide. Mens rea of the accused to abet the commission of suicide is a sine qua non for attracting the aforesaid provision [Ref. Randhir Singh v. State of Punjab : (2004) 13 SCC 129].

19. In the case of Shenbagavalli and Ors v. The Inspector Of Police, Kancheepuram District And Anr. : 2025 INSC 607, the Hon’ble Apex Court has delineated the ingredients of the offence under Section 306 of the IPC, and observed as under:

“15.In large number of judgments of this Court it stands established that the essential ingredients of the offense under Section 306 IPC are (i) the abetment; (ii) intention of the accused to aid and instigate or abet the deceased to commit suicide. Merely because the act of an accused is highly insulting to the deceased

by using abusive language would not by itself constitute abetment of suicide. There should be evidence suggesting that the accused intended by such act to instigate the deceased to commit suicide.”

(emphasis supplied)

20. The petitioner’s case is helmed on the argument that the accused persons had instigated the deceased to commit suicide by constant harassment. In the case of *Mahendra Awase v. State of M.P.* : (2025) 4 SCC 801, advertent to a catena of relevant judgments, the Hon’ble Apex Court observed that to satisfy the requirement of instigation, the accused should have created such circumstances which left the deceased with no option except to commit suicide. Cautioning against dilution of the higher threshold prescribed under Section 306 of the IPC, it was observed that the aforesaid offence appears to be casually resorted to by the police. The Hon’ble Apex Court emphasised that conduct of proposed accused should be assessed from a practical point of view. The Hon’ble Apex Court also cautioned against mechanical framing of charges in this respect. In that case as well, the deceased had mentioned in his suicide note that the accused lender had been harassing him for repayment of loan. Discharging the accused, it was observed that performing duty of realising outstanding loans cannot be said to have instigated the deceased to commit suicide. The relevant portion is as under:

“17. *M. Mohan v. State* [*M. Mohan v. State*, (2011) 3 SCC 626 : (2011) 2 SCC (Cri) 1] followed *Ramesh Kumar v. State of Chhattisgarh* [*Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 SCC 618 : 2002 SCC (Cri) 1088] , wherein it was held as under :

“41. This Court in SCC para 20 of *Ramesh Kumar* [*Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 SCC 618 : 2002 SCC (Cri) 1088] has examined different shades of the meaning of “instigation”. Para 20 reads as under : (SCC p. 629)

‘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.’

In the said case this Court came to the conclusion that there is no evidence and material available on record wherefrom an inference of the appellant-accused having abetted commission of suicide by Seema (the appellant's wife therein) may necessarily be drawn.”

xxx

19. As has been held hereinabove, to satisfy the requirement of instigation the accused by his act or omission or by a continued course of conduct should have created such circumstances that the deceased was left with no other option except to commit suicide. It was also held that a word uttered in a fit of anger and emotion without intending the consequences to actually follow cannot be said to be instigation.

xxx

23. This Court has, over the last several decades, repeatedly reiterated the higher threshold, mandated by law for Section 306IPC (Now Section 108 read with Section 45 of the Nyaya Sanhita, 2023) to be attracted. They however seem to have followed more in the breach. Section 306IPC appears to be casually and too readily resorted to by the police. While the persons involved in genuine cases where the threshold is met should not be spared, the provision should not be deployed against individuals, only to assuage the immediate feelings of the distraught family of the deceased.

24. The conduct of the proposed accused and the deceased, their interactions and conversations preceding the unfortunate death of the deceased should be approached from a practical point of view and not divorced from day-to-day realities of life. Hyperboles employed in exchanges should not, without anything more, be glorified as an instigation to commit suicide. It is time the investigating agencies are sensitised to the law laid down by this Court under Section 306 so that persons are not subjected to the abuse of process of a totally untenable prosecution. The trial courts also should exercise great caution and circumspection and should not adopt a play it safe syndrome by mechanically framing charges, even if the investigating agencies in a given case have shown utter disregard for the ingredients of Section 306."

(emphasis supplied)

21. It is the case of the petitioner that the chain of circumstances along with the alleged provocation of Respondent No.2 on 04.07.2018 make it evident that Respondent Nos. 2 and 3 pushed the victim to commit suicide. It is stressed that the statement of the petitioner as well as another borrower (Mohd. Sharif) shows that the accused respondents used to recover money at an exorbitant rate of interest, and they used to threaten borrowers that they will be sent to jail in case of non-payment of dues. Reliance is also placed on the CDR connectivity between Respondent No.2 and the victim as well as the suicide note of the victim where he had named Respondent No.2 as the reason behind committing suicide.

22. At the outset, it is relevant to note that the case of Respondent No.3 stands on a significantly better footing as he is not named in the suicide note and he has no CDR connectivity with the deceased. The role of the said accused is only borne from the statements of the petitioner and Mohd. Sharif.

23. Even so, applying the principles in the aforesaid judgments to the facts of the present case, it is apparent that no ground is made out to frame charges against either of the accused.

24. As has been appreciated by the learned Trial Court, the present case is one where the instigation is alleged on account of alleged harassment and pestering by the accused persons for repayment of dues. The learned Trial Court has rightly opined that mere demand of return of loan amount cannot be said to be an act of instigation or abetment. Although much emphasis is laid on the calls received by the deceased on the day of his death and the petitioner has sought to argue that the manner of demanding repayment constitutes as harassment, in the opinion of this Court, even if the allegations are taken at the highest, such incessant pestering still falls short of instigation.

25. Harassment in the present case is alleged on account of exuberant rate of interest, threats of jail, visits to the home of deceased and constant calls by Respondent No.2. In allegations, there is also mention of a remark made by Respondent No.2 on one call, soon before the victim committed suicide, where he asked the victim to pay the dues or to commit suicide. Pertinently, in his suicide note, the deceased has only mentioned the threat of jail as the reason of harassment.

26. Insofar as the remark in relation to suicide is concerned, even if the same is taken at the highest, such words of casual nature employed in heat of the moment are to be seen from a practical point of view, and the same alone does not reflect intention on part of the accused to incite the deceased into committing suicide. Even as per the statement of the petitioner, the remark only appears to be made in an attempt to pressure the deceased into making payment of the remaining dues.

27. As far as the rate of interest is concerned, it is evident that the accused were charging the same rate of interest from other borrowers as is evident from the statement of witness Mohd. Sharif. Arguendo, presuming that the accused were loan sharks who were involved in charging usurious rates of interest, at best, such conduct will only attract liability under relevant provisions governing money lending. The mere act of levying high rate of interest, even if predatory, does not ipso facto amount to incitement to commit suicide, especially in the absence of any overt act from which instigation can be inferred.

28. Merely pursuing the borrower by way of repeated calls, or making occasional house visits where harsh words are said in the moment, for repayment are also not sufficient to prima facie raise grave suspicion against the accused qua instigating suicide.

29. Simple harassment is insufficient to make out a case of abetment and by no stretch of imagination can it be said that the accused created a scenario that left the deceased with no other option but to commit suicide. As has also been rightly appreciated by the learned Trial Court, in the face of threats of jail, the victim

had the option of repaying the debt and facing legal consequences. Alternatively, in case the charged interest was indeed usurious, the deceased was entitled to refuse payment and pursue his legal remedies in this regard instead.

30. It is imperative to appreciate that although financial distress and 'harassment' by Respondent No.2 (who was seeking to recover dues) may have been the motivating factors behind the suicide of the deceased, as is canvassed from the suicide note and statement of the petitioner, culpability cannot be attracted against the accused in absence of any mens rea. Even if the allegations of harassment are presumed to be correct, in their capacity as lenders, the intent of the accused appears to be to only pressurise the deceased to recover the loan amount and not to instigate the deceased into committing suicide. As also appreciated by this Court in the case of *Laxmi Jha & Anr v. State & Anr* : 2025: DHC:8234, while conduct of a person may be a reason for the victim to take their life, in the absence of active instigation, the said conduct cannot be equated with abetment to suicide.

31. In view of the aforesaid discussion, this Court finds no reason to interfere with the discharge of the accused respondents for the offence under Section 306 of the IPC.

32. The present petition is dismissed in the aforesaid terms. Pending application also stands disposed of.

33. It is clarified that the observations made in this order are only for the purpose of deciding the present petition and shall not influence the outcome of trial.