

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 3673 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE M. R. MENGDEY **SD/-**

Approved for Reporting	Yes	No
		✓

POONAM BRIJMOHANSINGH BHADORIYA
 Versus
 STATE OF GUJARAT & ANR.

Appearances:

MR. N.D. NANAVATY, LEARNED SENIOR ADVOCATE WITH MR. SURAJ A. SHUKLA(7185) FOR THE PETITIONER.
 MS. DHWANI TRIPATHI, APP FOR THE RESPONDENT NO.1
 MR. JAL UNWALA, LEARNED SENIOR ADVOCATE WITH MR. R.R. DHOLAKIA FOR THE RESPONDENT NO.2.

CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 23/03/2026

JUDGMENT

1. Learned Advocate Mr. R.R. Dholakia appearing for the respondent – original complainant shall file his appearance before the Registry.
2. By filing the present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS, 2023, the petitioner has prayed for the following reliefs: -

“A. That this Hon'ble Court may be pleased to issue writ of mandamus and / or any other appropriate writ, order or directions to quash and set aside the FIR bearing 1-CR. No. 11210048260191 of 2026

dated 21.02.2026 registered with Umra Police Station, Surat, for the offences punishable under Section 108 & 308(2) of Bhartiya Nyaya Sanhita, 2023, annexed at Annexure "A" along with all the further and consequent proceedings thereto;

B. Pending admission, hearing and final disposal of present Application/Petition, this Hon'ble Court may be pleased to stay and suspend the further proceedings in connection with the FIR bearing I-CR. No. 11210048260191 of 2026 dated 21.02.2026 registered with Umra Police Station, Surat, for the offences punishable under Section 108 & 308(2) of Bhartiya Nyaya Sanhita, 2023, along with all the further and consequent proceedings thereto and further direct the concerned jail authorities to release the Petitioner forthwith;

C. Ad-interim relief in terms of Para (B) above may kindly be granted;

D. This Hon'ble Court may kindly be pleased to dispense with the affidavit of Petitioner as she is in judicial custody,

E. Such other and further reliefs as this Hon'ble Court may deem fit and proper be granted.”

3. The facts and circumstances giving rise to the filing of the present petition are such that the FIR bearing No.11210048260191 of 2026 came to be registered with Umara Police Station, Surat City for the offences punishable under Sections 108 and 308(2) of BNS, 2023 against the petitioner. Being aggrieved by the said FIR, the petitioner has approached this Court by filing the present petition.

4. Heard learned Senior Advocate Mr. N.D. NanavatY with learned Advocate Mr. Suraj Shukla appearing for the petitioner. He submitted that the present FIR has been lodged on 21.02.2026 for the incident which had taken place on 31.01.2026. Thus, the FIR in question has been lodged after 21 days from the date of incident. The deceased had committed suicide on 31.01.2026. Thereafter, on 07.02.2026, the petitioner herein had submitted an application to the Commissioner of Police, Surat City, inter-alia, stating that on 31.01.2026

between 6 to 8 in the evening, the deceased was quite happy and thereafter, he had committed suicide in the late night. Therefore, something must have happened in his house on the fateful day. It is further stated in the application that since the daughter of the deceased was going to get married within few days from the date of incident, all the relatives have gathered at the place of the deceased, and therefore, it is doubtful that he would commit suicide in such circumstances and that she suspected that the deceased was murdered, and therefore, it was requested to carry out proper investigation into the accidental death of the deceased. He further submitted that in the FIR, it is stated that on 31.01.2026, the deceased had received a phone call from the petitioner wherein she had threatened the deceased, and therefore, the deceased had committed suicide. However, in fact it was not the petitioner who had called on 31.01.2026, but it was the deceased who had called the petitioner and the conversation had taken place between the two for approximately 3 minutes. Therefore, the allegations levelled in the FIR that the petitioner had called the deceased on 31.01.2026, is not correct. He further submitted that as per the FIR, the daughter of the deceased had visited the place of the petitioner in the month of July 2025 and at that time, the petitioner had allegedly threatened that she wanted to user 50% share in the property of the deceased and if she did not get 50% share in the property then she would make it difficult for the deceased to live. Thus, the alleged threat was given by the petitioner in the month of July 2025 whereas the deceased had committed suicide on 31.01.2026, and therefore, there was no proximate cause provided by the petitioner to the deceased. The perusal of the FIR as it is, would indicate that the role on the part of the petitioner, is conspicuously absent. He further submitted that as alleged in the FIR, the petitioner herein had procured 50% partnership in the Blue Papillon School run by the deceased. The Partnership Deed in that regard was executed between the petitioner and the deceased in the year 2018, and therefore, the same cannot be the reason for the deceased to commit suicide.

Similarly, it is alleged that the petitioner herein got sale deeds for two shops executed in her favour through cohesion. However, those sale deeds have not been subject matter of challenge in any civil litigation. He also submitted that the petitioner herein had an access to some Whatsapp conversation which had taken place between the deceased and his family members. The conversations would indicate that the relations of the deceased with his family members were not cordial, and therefore, the bitterness with his family members may have also prompted the deceased to commit suicide. He, therefore, submitted to allow the present petition and quash and set aside the impugned FIR. Learned Senior Advocate has sought to rely upon the following judgments in support of his submissions: -

- (i) Judgment delivered by the Hon'ble Apex Court in case of **Shenbagavalli and Others versus Inspector of Police, Kancheepuram District and Another** reported in 2025 SCC OnLine SC 987;
- (ii) Judgment delivered by the Hon'ble Apex Court in case of **Ayub And Others Versus State of Uttar Pradesh And Another** reported in (2025) 3 Supreme Court Cases 334;
- (iii) Judgment delivered by the Hon'ble Apex Court in case of **Abhinav Mohan Delkar Versus State of Maharashtra and Others** reported in 2025 SCC OnLine SC 1725;
- (iv) Judgment delivered by the Hon'ble Apex Court in case of **R. Shashirekha Versus State of Karnataka And Others** reported in 2025 SCC OnLine SC 671;
- (v) Judgment delivered by the Hon'ble Apex Court in case of **Mahendra Awase Versus State of Madhya Pradesh** reported in (2025) 4 Supreme Court Cases 801;
- (vi) Judgment delivered by the Hon'ble Apex Court in case of **Prabhat Kumar Mishra Alias Prabhat Mishra Versus State of Uttar Pradesh and Another** reported in (2024) 3 Supreme Court Cases 665;

- (vii) Judgment delivered by the Hon'ble Apex Court in case of **Nipum Aneja and Others Versus State of Uttar Pradesh** reported in **2024 SCC OnLine SC 4091**;
- (viii) Judgment delivered by the Hon'ble Apex Court in case of **Mohit Singhal And Another Versus State of Uttarakhand** reported in **(2024) 1 Supreme Court Cases 417**;
- (ix) Judgment delivered by the Hon'ble Apex Court in case of **M. Mohan Versus State Represented by the Deputy Superintendent of Police** reported in **(2011) 3 Supreme Court Cases 626** and,
- (x) Judgment delivered by the Hon'ble Apex Court in case of **Sanju alias Sanjay Singh Sengar Versus State of M.P.** reported in **(2002) 5 Supreme Court Cases 371**.

5. Learned APP has opposed the present petition contending that the Investigating agency has recorded the statement of the sister of the present petitioner who in her statement had stated that she was asked by the petitioner to make a phone call to the deceased and upon her instructions, she had called the deceased and had informed him that the petitioner wanted to be with him. To which, the deceased had replied that everything will be sorted out after the marriage of his daughter is over and the deceased had also told her to inform the petitioner not to harass him for the present. The Investigating agency has also seized the mobile phone of the sister of the petitioner and the same has also been sent to the FSL for examination. He further submitted that though the sister of the petitioner and her parents were not working at the school, they were regularly paid salaries at the instance of the petitioner. Moreover, the petitioner had also derived Rs.1,37,00,000/- from the school towards salary as well as profit and she had also made the deceased transfer two shops in her favour. Moreover, when the daughters of the deceased visited the petitioner in the month of July 2025, she had threatened them that if the deceased did not transfer 50% share into his entire property to the petitioner, she would make his life a hell and that she would see to it that the deceased would humiliate in the

society. Because of these reasons, the deceased had committed suicide. The investigation of the offence is still at the nascent stage. He, therefore, submitted to dismiss the petition.

6. Learned senior Advocate Mr. Jal Unwala appearing with learned Advocate Mr. R.R. Dholakia for the complainant has also opposed the petition. He submitted that the deceased was having an illicit relationship with the petitioner and he had disclosed this fact to his daughter who was to get married shortly after the incident. The timing of the deceased committing the suicide few days ahead of the marriage of his daughter speaks for itself. He further submitted that the Investigating agency is investigating into the offence and the investigation is still at the threshold. Therefore, this Court should not exercise discretion in favour of the petitioner at this stage. He, therefore, submitted to dismiss the present petition.

7. Heard learned Advocates for the parties. From the material available on record, it appears that the deceased was though already married and having children, was having an illicit relationship with the present petitioner. The material available on record would indicate that the petitioner and the deceased had traveled together to foreign countries. The relation between the petitioner and the deceased was not acceptable to the family members of the deceased. It is mentioned in the FIR by the first informant that few days prior to the incident, the first informant who is the daughter of the deceased found the deceased to be upset, and therefore, she asked him the reason for the same. Upon which, the deceased informed her that he was having illicit relationship with the petitioner since last 15 years and because of this illicit relation, the petitioner was harassing him and was exploiting him financially as well as mentally, and therefore, he was fed up with her. The deceased also informed her that he had invested money in Blue Papillon Pre-primary School and the petitioner taking disadvantage of her illicit relationship with the deceased, had

obtained partnership of 50% in the said school. In July 2025, the first informant and her sister went to the petitioner and asked her to stay away from their father i.e. the deceased. Whereupon, the petitioner got agitated and told them that she would want 50% of share in the entire property of the deceased and if the deceased did not agree for the same, she would make living difficult for him and would humiliate him in the society. The petitioner had also told them that she would make the life of the deceased a hell. From these facts stated in the FIR, it prima-facie appears that the petitioner herein intended to usurp the property of the deceased and the deceased had knew the evil designs of the petitioner, and therefore, the deceased had started keeping distance from the petitioner of late. The material collected during the course of investigation so far indicates that the petitioner had made the deceased transfer two shops in her name. Moreover, though the parents of the petitioner were not employees of the school, the salaries were deposited from the account of the school in their respective accounts. The Investigating agency has recorded the statement of one Ishan D. Trivedi who is a practicing Chartered Accountant and was looking after the accounts of Blue Papillon School. In his statement dated 24.02.2026, he has stated that between the 2018 to 2025, the petitioner had received Rs.92,34,000/- towards salary, Rs.57,84,838/- towards profit and Rs.38,16,842/- towards interest. Thus, the petitioner had received the amount of Rs.1,88,35,000/- from the school. The sister of the petitioner viz. Priya Chauhan had also received Rs.14,95,000/- from the school towards salary and the parents of the petitioner had received Rs.10,40,000/- each from the school. Thus, family of the petitioner had received the amount of Rs.2,24,10,000/- from the school which was run by the deceased.

8. The Investigating agency has also recorded the statement of one Sanjaybhai V. Faganiya who happens to be the partner of the deceased. He, in his statement dated 21.02.2026, has stated that the deceased had informed him that he was having illicit relations with the petitioner and because of this

relation, the petitioner is harassing him and is exploiting him financially and mentally, and therefore, he wants to get rid of her, but she is not leaving him. He has further stated that once he had visited the place of the petitioner along with the deceased and had told her that the children of the deceased had grown up and that his daughter was going to get married in 2026. He was having a good reputation in the society and he is stressed because of the fear of being humiliated in the society, and therefore, the petitioner was requested not to harass the deceased. Whereupon, the petitioner informed that she was not going to leave the deceased and she would continue her relations with the deceased and if he did not continue the relations, she would see to it.

9. The Investigating agency has also recorded the statement of one Priya Chauhan who happens to be the sister of the petitioner. She, in her statement dated 19.03.2026, has stated that since the deceased was not picking up the phone call of the petitioner, she had asked her to make a phone call to the deceased and asked him to talk to the petitioner. Therefore, she had called up the deceased and told him that the petitioner wanted to be with him and wanted to talk to him. Upon which, the deceased had informed that everything will be sorted out after the marriage of his daughter was over and had also told her to inform the petitioner not to harass him till then. This statement makes it very clear that the petitioner was pressing the deceased for continuing the relationship for which the deceased appeared to be reluctant.

10. Learned Senior Advocate appearing for the petitioner has drawn the attention of this Court to the screenshot captured from the mobile phone of the petitioner which indicates that the deceased had made a phone call to the petitioner on 31.01.2026 at 6:24 p.m. and the conversation between the two had lasted for 3 minutes and 21 seconds. It is mentioned in the FIR that after the phone call between the deceased and the petitioner, the deceased had informed the first informant that the petitioner had threatened that she would create a

ruckus at the place of marriage of his daughter and would humiliate him in the society. The deceased had also told the first informant that the petitioner was making frequent calls to him for property and money and he is fed up because of it. He would find out some way after the marriage of the daughter was over. He is not able to live now and he has lost. It is alleged in the FIR that the deceased had received a phone call from the petitioner on the fateful day and while talking to the petitioner, the deceased appeared to be disturbed. Thus, the fact remains that telephonic conversation had happened between the deceased and the petitioner on the fateful day and it was thereafter only that the deceased had committed suicide. The aspect as to what conversation had taken place between the petitioner and the deceased on that occasion, is the matter required to be investigated.

11. From what is discussed herein above, it prima-facie appears that the deceased was receiving constant harassment from the petitioner for continuing the illicit relationship and she also wanted money and property from the deceased and because of the same, the deceased appears to have committed suicide.

12. So far as the judgments sought to be relied upon by the learned Senior Advocate appearing for the petitioner are concerned, the investigation of the offence is still at the nascent stage and in view of the fact stated hereinabove, it would be difficult for this Court at this stage to come to the conclusion that the offence alleged in the FIR is not made out against the petitioner, more particularly in view of the facts discussed hereinabove. Having regard to the same, the present petition is devoid of any merits and hence, is hereby dismissed.

RAVI OZA

SD/-
(M. R. MENGDEY,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RAVI OZA(HCW0111), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 25/03/2026 15:15:40