

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9600 of 2025**

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SUNIL GHANSHYAMJI KABRA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR MEHUL SHARAD SHAH(773) for the Applicant(s) No. 1
M S PADALIYA(7406) for the Respondent(s) No. 2
MS MEGHA CHITALIYA for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 14/07/2025

ORAL ORDER

Leave to amend.

1. Heard learned advocates for the respective parties.
2. By way of this application under Section 528 of the BNSS, the applicants have prayed to quash and set aside the complaint being **C.R. No.11191024250374 of 2025 registered with Ramol Police Station, Ahmedabad City** as well as all the consequential proceedings arising therefrom.
3. Learned Advocate for the applicant submits that the complaint has been filed in connection with the suicide of the complainant's father, and the complaint has been lodged after a delay of 11 days against 17 accused persons including the present applicant being accused No.15. A charge-sheet has been filed, and the case has culminated into Criminal Case No.54 of 2025. The incident took place on 9th March 2025. Upon checking

the mobile phone, the complainant found a video message sent by his father, wherein the deceased allegedly stated that he was committing suicide not because of his family members, but because he was unable to bear the burden of paying monthly interest of Rs.50,000/-. A suicide note was also discovered in the pocket of the complainant's father, which allegedly contained details of financial accounts and named about 17 individuals from whom the deceased had borrowed money and to whom he was paying interest at the rate of 5% per month. However, he failed to repay the principal amount as well as the interest in time and, therefore, committed suicide. It is further submitted that, in view of the above, the present applicant has nothing to do with the offence and has been falsely implicated. Therefore, the present application may be allowed.

4. The learned APP appearing for the respondent State has opposed the present application, stating that the applicant is actively involved in the offence and has played a significant role in abetting the suicide of the deceased. It is further submitted that the applicant, along with other co-accused, continuously harassed the deceased for payment of exorbitant interest. Therefore, it is prayed that the present application may be dismissed.

5. Considering the facts and circumstances of the case, there is no evidence on record to suggest any instigation, as defined under Section 107 of the Indian Penal Code, on the part of the present applicant, nor is there any material indicating a proximate cause linking the applicant to the act of suicide committed by the deceased. In the absence of any overt act or

instigation, and in the absence of the essential ingredients and proximate cause for the alleged abetment of suicide and in view of the judgment passed by the Hon'ble Apex Court in the case of **Mohit Singhal Vs. State of Uttarakhand, reported in 2023 INSC 1035**, the matter requires consideration.

6. Hence, issue **Rule**, returnable on 24.09.2025. Learned APP waives service of notice of Rule for the respondent-State. Respondent No.2 be served through concerned police station.

7. In the meantime, interim relief in terms of **para 9(C)** is granted qua the present applicant only. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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